

Queer Refugeeism:
Constructions of Race, Gender, and Sexuality in the Hmong Diaspora

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ABSTRACT

Queer Refugeeism examines how the “refugee” figure relates to Hmong American racial, gendered, and sexual formation, belonging, and politics in the U.S. Examining various discourses around gender and sexuality such as rape, abusive transnational marriages, polygamy, and underage marriages, Part I crafts out ideological formations of race, gender, and sexuality in Hmong American communities. *Queer Refugeeism* uses texts such as newspaper documents, Hmong American ethnic cultural productions, and legislative bills to explicate a discourse of hyperheterosexuality that renders Hmong American culture and Hmong Americans as racially, gendered, and sexually deviant subjects. Part II turns to the material as I weave in youth narratives and community activism with secondary sources to expound how queer Hmong American youths are intertwined within dominant and Hmong American cultural discourses regarding race, gender, and sexuality. I argue against essentialist framings of culture that posit Hmong Americans as perpetual refugees incompatible with queer modernity while showcasing how queer Hmong American youths are remaking culture and belonging on their own terms. Overall, *Queer Refugeeism* tackles how race, gender, and sexuality are integral to Hmong American refugee and queer youth belonging within the U.S.

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Introduction

Embarking on Queer Refugeeism in the Hmong Diaspora

How do arrangements and concepts about gender and sexuality within Hmong American communities lend itself to racial formation since their migration to the U.S. in 1975? What is it about Hmong Americans as refugees and as subjects of a different culture that make them difficult and troublingly unassimilable? What schemes are enacted by Hmong Americans to resist such racial formations? What tensions are apparent within U.S. and “Hmong culture” that stimulates ideas about gender and sexual modernities? Where do we begin in our efforts to locate, deconstruct, and overthrow the violence of racialized representations and heteronormativity? Who is able to define “Hmong culture” in the U.S. and how do they do so? Can queer Hmong American youth experiences illuminate the discursive forces between race, gender, sexuality and its relationship to belonging and justice? In what ways do queer Hmong American youth become intelligible subjects under the governmentality and regimens of normative institutional orders? Under what circumstances can we envision a radical queer politics that is anti-essentialist, anti-racist, and feminist? What queer and feminist political potentialities lies within Hmong American unassimilability and incompatibility? These are some of the questions that *Queer Refugeeism* will undertake in exploring how refugee migration and its entanglements with race, gender, and sexuality has worked in effect to produce a system of belonging and unbelonging for Hmong Americans in general, and

queer Hmong American youth in particular. *Queer Refugeeism* is a work that examines the various ways refugee migration is reimagined in processes of racial, gender, and sexual formations that undergird belonging for Hmong Americans and queer Hmong American youth.

Gender, Sexuality and Hmong Americans

*No room for a couch, cause we sleep on the floor.
One big group of Vang's; Hmong family of 24.
Kids work in St. Paul; Hang out at the mall.
Cause I know they dwell so well, 30 Hmongs in a house.
Hmongs get pregnant early; first baby at 16.
Seven kids by 23; over the hill by 30.
Like sardines they live; packed in a two-room (unintelligible) house with the kids.
But you know they age quite well. They be Hmongs.¹*

On March 22, 2011, the Twin Cities radio station KDWB played a parody song on the Dave Ryan in the Morning Show, depicting the “comical” aspects of large Hmong American families. The song starts with lyrics indicating there is no room for a couch in a Hmong American household. All family members sleep on the floor because of the “Hmong family of twenty-four.” The second verse goes on to say that “Hmongs get pregnant early” with the “first baby at sixteen” and “seven kids by twenty-three” and “over the hill by thirty.” Ultimately, the song concludes that Hmong Americans live like “sardines” because they live in a two-room house packed with kids. Activists from the coalition Community Action Against Racism (CAAR) responded with taking KDWB to task for perpetuating racist stereotypes about Hmong American teenage pregnancy and large families. Hmong Americans at large accused KDWB of inciting racism through depicting Hmong American families and sexuality more broadly as pathologically

¹ Tom LaVenture, “KDWB Listeners Say Hmong Song Was in Spirit of the Program, Others Say It’s Racist,” *Twin Cities Daily Planet*, April 4, 2011.

over(re)productive. The crisis of an over-productive sexuality presents racialized knowledge that perpetuates Hmong American sexual perversity and foreignness. Sexuality itself is the problem that prevents the everyday practices of survival and well-being, such as not having a place for a couch in their house. Furthermore, the focus on Hmong American families, as Patricia Hill Collins has argued, serves as the ideological basis of racialization in determining the boundaries of belonging.² This depiction of Hmong American incompatibility in the U.S. has a long history within media and press representation. In the years after Hmong American refugee resettlement in the U.S., press articles began circulating information to the public about Hmong Americans. Issues ranged from mental health, education, and religion to family, gender, and culture. Not all coverage excluded the reasons for Hmong American migration to the U.S. The headlines about America's war in Vietnam or Southeast Asia were mentioned as part of Hmong American migration to the West. Yet, in documenting the Hmong, the media as an institution of knowledge, helped to create the narratives of Hmong as racially and culturally different. One of the first articles to appear in the *Washington Post* about Hmong Americans was titled "Hmongtana." In it, the author writes, "Since a pro-communist government took Laos in 1975, a savage extermination campaign has forced 90,000 Hmong to flee to Thailand." The article goes on to say a spokesperson from the local assistance center tried to "persuade Philadelphia Hmong not to shoot city pigeons with their crossbows. One American landlord was stunned to find all the porcelain

² Patricia Hill Collins, "It's All in the Family: Intersections of Gender, Race, and Nation," *Hypatia* 13, no. 3 (1998), 62-64.

missing from the bathtub in a Hmong apartment. The women were beating their clothes clean with rocks.”³

Depictions of Hmong Americans in the early resettlement era were extremely influential in documenting Hmong American difficulties with assimilation. An article from 1983 writes about the difficulties that Hmong Americans are experiencing in the U.S., stating, “The Hmong appear especially vulnerable because of the gap between the culture they left and the technological society they now live in.”⁴ Thus, in many ways, Hmong American arrival to the U.S. constitutes a “yellow peril.” That is, public and media discourse and portrayals of Asian migration were seen as a threat to U.S. national security or society. The yellow peril discourse was initially ingrained within the debates around birthright citizenship for immigrants from China. For example, nativists in the early late nineteenth to early twentieth centuries argued against birthright citizenship for Chinese Americans stating that American born Chinese citizens will abuse their citizenship status to sponsor more and more Chinese to come to the U.S.⁵ Anti-Japanese sentiment followed in the aftermath of the successful passage of the Chinese Exclusion Act of 1882. For many nativist Westerners, Japan signaled the rise of Asian countries to world dominance. After Japan defeated Russia in the Russo-Japanese War of 1904-1905, the U.S. feared that Japanese migration to the West signaled the beginning of a Japanese colonial takeover. In less dramatic—but nonetheless insidious—ways, the yellow peril may also suggest the widespread “Asianization” of U.S. culture that denotes social and

³ Margot Hornblower, “Hmongtana,” *Washington Post*, July 5, 1980.

⁴ Special to the New York Times, “Laos Hill People Try Yet Again in California Valley,” *The New York Times*, July 17, 1983.

⁵ Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003), 73.

cultural denigration. Hmong American refugees may be lumped into this notion by the assumptions that they have experienced a failed assimilation. They continue to hold onto their culture and refuses to (or are unable to) adapt to U.S. society and culture.

Assimilation is crucial here because it signals the successful integration of migrants to the dominant culture. The specific ways that newspaper articles were written, produced, and distributed developed the power of enforcing race, class, gendered, and sexual narratives. Thus, discourses on the yellow peril, while centering racial difference as the category of apprehension, mixes gender and sexuality to create more sensationalized anxieties about newcomers in the U.S. Asians migrating to the U.S. have been problematic to the nation-state in this way through failed assimilation.

The same *Washington Post* “Hmongtana” article was among the first to detail that Vang Pao, a Hmong American general who had lead efforts in America’s “Secret War,” had relocated to Missoula, Montana. There he lived with sixteen of his twenty-six children, four of his six wives, and eighty-eight year-old mother. He divorced all but one wife before the government allowed him to enter the U.S., although four wives remained in his household. Judging from this article, while this seemingly benign reporting seems to suggest that Vang Pao could be and was incorporated into heteronormative U.S. logics of marriage in the U.S. nation-state, it still underlies the notion that legal and cultural forms of kinship are indeed different realms of sociality. This notion of Hmong American sexuality and kinship as non-legal then was already being enforced as refugees were filing their resettlement papers. In this sense, the refugee resettlement process played a crucial role in disciplining Hmong Americans into heteronormative subjects. For Vang Pao, his “divorce” from his wives—or rather, his “marrying” of one wife—was a way

that worked for him to resettle into the U.S. based on normative legal restrictions of kinship. Yet, the article still suggests that Hmong Americans still do not necessarily follow the legal codes of monogamous marriage once they have been resettled in the U.S. While this may be true, the article orientalizes Vang Pao as existing outside of legal forms of marriage, despite the official “marriage” to one of Vang Pao’s wives, or the “divorcing” of all but one wife (both of which seems to implicate him into heteronormative logics). In the end, four wives still remained in the household. Vang Pao’s marriages to the remaining three wives are all legitimate within Hmong American traditional marriage systems. Vang Pao and his multiples wives are already situated within a context that highlights Vang Pao’s heterosexuality. Within mainstream American culture, monogamous heterosexuality is normative and acceptable. Polygamy is abject and leaves one to wonder its place within other abject forms of sexual relations (i.e. homosexuality, bisexuality, etc.). Vang Pao’s marriages denote that the heterosexuality of “Hmong culture” is not normative within monogamous heterosexuality because non-monogamous and deviant genders, sexualities, kinship, and social formations are all inherently pathological within “Hmong culture.”

Michel Foucault explains in *The History of Sexuality: Volume 1* that sexuality was indeed a realm of regulation precisely because it proliferated life (rather than death) of individuals and populations.⁶ This account of biopolitics points to refugee resettlement as an institution of power that sought to regulate, control, deploy, and discipline refugee bodies for the proper management of life. Extending beyond Vang Pao, refugee papers that documented family size, children, occupation, etc. sought to further the goals of state

⁶ Michel Foucault, *History of Sexuality Volume 1: An Introduction* (New York: Vintage Books, 1972), 147.

biopolitical control. Foucault again states that this new constitution of biopower began as the deployment of sexuality was “one of the most important” and “that would go to make up the great technology of power in the nineteenth century.”⁷ Taking up Foucault, Eithne Luibhéid argues that immigration control was inductive of disciplining regimes. She writes, “Immigration control is not just a powerful symbol of nationhood and people but also a means to literally construct the nation and the people in particular ways. Immigration control has been equally integral to the reproduction of patriarchal heterosexuality as the nation’s official sexual and gender order.”⁸ Luibhéid compares these normalizing regimes to The Page Act of 1875, for example, which barred Asian prostitutes from immigrating to the U.S. She writes, “The fact that Asian prostitutes, specifically, were targeted by the Page Act underscores the salience of intersecting racial, gender, class, and sexual categories in constructing alleged ‘threats’ to white patriarchy.”⁹ In the context of same-sex marriage, Bryant Yang has argued that the exclusion of Asian Americans holds similar tenets to the exclusion of lesbians and gays from the institution of marriage, including the non-normativities “inherent” in Asian American and lesbian and gay social formations, as well as the increasing “model minority” status that both groups now hold in the contemporary moment.¹⁰

For Vang Pao, the bestowing of U.S. legal and cultural citizenship (in the form of refugee resettlement) relied on this heteronormative logic of U.S. sexual order.

⁷ Ibid., 140.

⁸ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), xviii.

⁹ Ibid., 5.

¹⁰ Bryant Yang, “Seeing Loving in Gay Marriages: Parallels of Asian American History and the Same-Sex Marriage Debates,” *Amerasia* 32, no. 1 (2006), 38-40.

It is here that while legal constructions and limitations around acceptable kinships may deem to be necessary in order to maintain the state's biopolitical order, Vang Pao's decision to remain with four of his wives points to a larger system through which Hmong Americans do maintain their alternative forms of sexuality and kinship. It is seen here that the article does not intimate that refugee resettlement was successful in creating heteronormative monogamous marriages among Hmong Americans. In fact, the article suggests that *despite* the fact that polygamy is illegal and that Hmong Americans have gone through this process of adhering to heteronormative monogamy, Hmong Americans are *still* able to find ways to keep, practice, and legitimate their own deviant sexualities (polygamy). The "problem" of polygamy here lies in the fact that the state simultaneously disciplines Hmong American refugees while failing to cease polygamy entirely. What we can take away from this instance of "Hmong sexuality" is that it presents an anomaly for the U.S. state to control and properly regulate what is an acceptable kinship or sexuality. The failure of the state to enact biopolitical control (or its subtle condoning) represents what my argument suggests: that Hmong American refugees are exceptional through their evasion of state control (biopolitical assimilation) and persistent overproduction of sexuality.

Things never fit easily into the picture of heteronormative belonging, and that is certainly the case for Vang Pao. The failure of state control to remake refugees into normative citizens presents the concern for the state, and for the state to create discourse about refugees in order to "know" them for future legal or cultural containment. However, we may also consider that the state may have known about Hmong Americans' practice of polygamy. In some ways, there is a willingness on the part of the state to

allow Hmong refugee migration to the U.S. despite understanding that polygamy cannot be entirely eradicated. The state must be brought to the forefront as informally accepting de facto forms of non-monogamy among migrants and refugees entering the U.S. Thus, the state belies the success of heteronormative relations through unofficially condoning the continuation of Vang Pao's common law marriages to his other wives. The "refugee problem" precisely lies at this contradiction, both the state's inability *and* complicity in fostering so-called deviant sexualities, while seeking to regulate it, and Hmong Americans' quest for repayment for their sacrifices, while entirely not receiving it. If white capitalistic heteronormativity is the goal of refugee resettlement, then the refugee as a troubled figure within power relations has great potential to resist processes of heteronormative governmentality precisely because of this contradiction.

Hmong American sexual politics rests at a strange location within U.S. sexual politics particularly because the discourse that Hmong American sexualities are strange and exotic continues to pervade our imaginations. Practices such as transnational marriages, bride kidnapping, the bride price, polygamy, rape, and "underage marriage" continue to render Hmong American sexualities as deviant. This is precisely what I call hyperheterosexuality, which I explore in depth in chapter one. Hyperheterosexuality as a pathology comes to stand in for "Hmong culture" when talking about gender and sexuality within Hmong American communities. Reports in journalism, as well as academic studies, represent Hmong American sexual practices as exotic, with continual attention given to explaining these aspects of "Hmong culture." The perpetual linkage of "culture" with non-normative sexualities works to create an epistemology about Hmong American subjects themselves, namely, what is and is not "Hmong" and "American" and

why and how particular modes of sexuality become legible or illegible through the use of “Hmong culture” within competing discourses from both outside and inside Hmong American communities. Unlike mainstream America and despite these “deviant” acts and attitudes surrounding sexuality and kinship, Hmong Americans are seen as not being tolerant of or just ignorant about homosexual and queer acts, identities, and desires.

The repeal of “Don’t Ask, Don’t Tell” policies prohibiting lesbian and gay peoples to serve in the U.S. military and the legalization of same-sex marriage has, for the most part, signified the “normalization” of queer peoples. This normalization of lesbian and gay subjects produces, what Jasbir Puar calls homonationalism. That is, the normalization of lesbian and gay identities contemporaneous with the waging of war against people of color and increasing securitization and violence in the global south.¹¹ The troubling reformulation of “queer” in the service of hegemonic institutions disproportionately benefits state benefactors such as white lesbian and gay peoples. As the lesbian and gay movement in the U.S. gains momentum, Hmong American lesbian and gay individuals continue to struggle within their families because of this silence about queer sexuality and desires within Hmong American communities. Thus, a goal of this dissertation is to understand the political, cultural, and social meanings of these discourses about Hmong American sexuality, as well as lay out a new paradigm about how the meanings about Hmong American sexuality are continuously shaped by various actors and forces within the U.S.

Conversations about gender and sexuality are not happening just outside of the Hmong American communities, but also within it. Some Hmong Americans have also

¹¹ See Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).

spoken out against these hyperheterosexualities, arguing that they are outdated or indeed primitive. Using ideas about gender equality and social justice, some Hmong Americans argue that practices such as bride kidnapping or transnational marriages are exploitative and oppressive towards women. Many Hmong Americans, however, continue to defend these sexualities and sexual practices, citing “culture” as the reason for its continued existence. The multiplicity of attitudes within Hmong American communities regarding hyperheterosexualities range from abhorrence, to rejection, to tolerance, to acceptance. Thus, it becomes difficult and complex to detail the degree in which Western representation about Hmong Americans affect how Hmong Americans themselves construct conversations around modernity, equality, gender, and sexuality. *Queer Refugeeism* takes these moments of sly visibility, to analyze and question ideas that circulate about “Hmong culture,” gender, and sexuality and its relation to refugee migration and social belonging in the US.¹² I argue that Western ideas about Hmong American hyperheterosexualities are relevant in the present moment in constructing and facilitating discourse within Hmong American communities itself. These representations and epistemologies about sexuality from both outside and inside Hmong American communities are crucial to Hmong American racial, gender, and sexual formation and its relationships to subjectivity and belonging among queer Hmong American youth.

¹² I borrow this term from anthropologist Louisa Schein, who uses “sly visibility” to refer to the moments where Hmong appear in the media, only in negative or nefarious representations, furthering the stereotypes and misconceptions that already plague understandings of the Hmong in the U.S.

The Problematics of Refugee Migration

Refugees have historically presented problems for the nation-state. From the first inception of refugee policy in the early twentieth century to the refugee crises in the contemporary moment, refugees have been understood as entities within, beside, and in relation to the nation-state. This fascination about refugees lies in questions about who and what is a refugee, where does a refugee belong, and what should the rest of the world do to help refugees? Many scholars have noted the difficulty of undertaking a genealogy of the “refugee” category, although indeed many people have fled and sought refuge from various conflicts and hardships throughout antiquity and the human epochs.¹³ However, it was only recently that an “international community” and “nation-states” were established and solidified in the seventeenth and eighteenth centuries. Through the formation and development of sovereign states as an idea, the category of “refugee” was then formed as people became displaced from the territorial entity of what is the “nation-state.” The nation-state became the central site through which the refugee is produced, understood, and categorized. The international community—which consisted of sovereign nation-states—established standards of how to assist and resettle these displaced peoples.¹⁴ Refugees coming out of European countries, mainly Russia, were used to fulfill labor shortages in receiving countries such as France, Canada, Belgium, Luxembourg, and the United States in the early twentieth century. The early goal of states in receiving refugees

¹³ Lisa Malkki, “Refugees and Exile: From ‘Refugee Studies’ to the National Order of Things,” *Annual Review of* 24 (1995), 497.

¹⁴ For longer histories and policies about refugee classification in accordance to the nation-state, see Louise W. Holborn, “The League of Nations and the Refugee Problem,” *Annals of the American Academy of Political and Social Science*, 203 (1939), 124-135; Erika Feller, “The Evolution of the International Refugee Protection Regime,” *Washington University Journal of Law and Policy* 5, no. 129 (2001), 129-139; Richard Black, “Fifty Years of Refugee Studies: From Theory to Policy,” *International Migration Review* 33, no. 1 (2001), 57-78.

was to render them as biopolitical subjects who can be capable of reproducing the capital means of perpetuating the existence of the state itself. Refugees then, at their earliest inception, have been about control and disciplining into heteronormative citizenship, vis-à-vis the usefulness for the accumulation and acclimation of capitalism.

Political theorists have utilized the policy-related definitions of the refugee in order to theorize larger questions about the state and citizenship. Hannah Arendt writes in her essay “We Refugees” that refugees are left to be forgotten, but they themselves also forget. Instead, refugees use whatever optimism, in looking up to the sky and magical tricks, to look towards a new future. This future is the new land in which refugees have arrived. Yet this looking towards the future—or what Arendt calls optimism—is precisely what is used to perpetuate and ultimately mask refugee deaths. Arendt writes, “Our proclaimed cheerfulness is based on a dangerous readiness for death.”¹⁵ Arendt, who is writing from a Jewish background, does not like the category of “refugee” because of the implications of death and suffering that is attached to such a figure, yet also refuses to assimilate the refugee. Assimilation, to the Jewish refugee, will only highlight the non-assimilated status. Arendt’s essay explicates the hardships in which refugees experience in their new lands, from loneliness to suicide, while at the same time highlighting the complexities in which refugees do not fit neatly into categories of life. Here, her theorizing of the refugee as a subject of embodied negativity who must not (or cannot) be assimilated into a “positive” national body is crucial to countering the work of the state and its governmental logics. However, Arendt’s resistance towards assimilation creates a Jewish exceptionalism, which runs the risk of being co-opted by the state not as

¹⁵ Hannah Arendt, “We Refugees,” In *Altogether Elsewhere: Writers in Exile*, ed. Marc Robinson (Boston: Faber and Faber, 1994), 112.

resistance or refusal, but as non-assimilability.

Giorgio Agamben writes in a follow-up to Arendt's essay to further detailing the complications that arise from thinking about refugees in relation to the nation-state. According to Agamben, refugees in particular have troubled and disrupted notions of "sovereignty" particularly because refugees themselves are difficult to place within the nation-state/border world system. Agamben questions the rights of "man" outside of the nation-state, and whether the refugee as a category implicates rights as "citizenship" or as "person."¹⁶ The idea of the refugee as a category has brought challenges to rights. Seeing the refugee as a political category devoid of a nationality, and thus "citizenship" from the nation-state, and thus the rights associated with it would be one viewpoint. Linda Kerber also takes up these ideas about citizenship in her essay "The Meanings of Citizenship." Indeed, "citizenship" within a nation-state is itself not stable when examining race, class, and gender, a notion she calls "braided citizenship."¹⁷ The ways in which people have entered nation-states speaks to the ways in which they belong. Women, African Americans, and immigrants and their relation to the notion of "citizenship" are historically different and complex. Kerber speaks to the specific instability of refugee citizenship and their relationship to the nation-state, stating that it is precisely when "the U.S. ambassador gave repeated assurances of sanctuary to Vietnamese people whose lives were at risk because they had worked for the U.S. and then left them behind, everyone was given extensive lessons in distrust, in the frustrations and dangers of

¹⁶ Giorgio Agamben, "We Refugees," Trans. Michael Rocke, *Symposium* 49, no. 2 (1995), 114-119.

¹⁷ Linda Kerber, "The Meanings of Citizenship," *The Journal of American History* 84, no. 3 (1997), 837.

activism, in the weakness of the promises of citizenship.”¹⁸

Hmong Americans as refugees have existed within this long history of refugee resettlement and migration to the U.S. Hmong refugee resettlement is similar to refugee resettlement of earlier Europeans who were negotiated into the state for labor and capitalistic purposes. On the other hand, the difficulty of refugee resettlement, especially as refugees come in the masses, presents a great burden to nation-states. Since people are defined through nationality, refugees who do not possess a nationality or national citizenship takes additional labor in order to define and make legible them again. The Hmong throughout the globe historically do not have a nation-state to which they can claim sovereignty (or, as colloquially circulated, the Hmong do not have a country). Their stateless subject-position means the state must simultaneously work to define Hmong American positionality within the U.S. *as* stateless peoples, although it can also present flexible opportunities to remake Hmong Americans into national subjects. This process includes making Hmong Americans model citizens that can be defined in raced, classed, gendered, and sexual ways.

Migration to the U.S. works as a multi-faceted technique to highlight, explain, and produce racialized, classed, gendered, and sexual differences. Scholars of critical race and ethnic studies and queer studies have documented the ways race, gender, and sexuality excludes even immigrants who hold official citizenships. The scholarship of Luibhéid and Margot Canaday, for example, have demonstrated the centrality of the state to craft narratives about who is deserving of the rights of citizenship through

¹⁸ Ibid., 850.

(im)migration.¹⁹ Refugee migration has also been subjected to the governmentality of U.S. immigration policies that underscores these differences. Refugees can be restored or created anew according to the host society's rules and regulations because they are already displaced from a normal or original social position within a society. Or so, that is how the story goes. Hmong refugees coming to the U.S. from Southeast Asia in the aftermath of the Vietnam War beginning in 1975 were injected into these regulatory organizations. Particularly, most mechanisms of "resettlement" worked to discipline Hmong American refugees according to these social markers in order to render them as normalized subjects within the U.S. To "settle" in this sense is to speedily facilitate the assimilation process for Southeast Asian refugees, like most previous immigrants that came before them, by isolating and spreading them across the U.S. To assimilate refugees meant disciplining them to be useful subjects capable of reproducing heteronormative and capitalistic values in relation to race, class, gender, and sexuality which would otherwise be impossible in large ethnic enclaves or communities. The apparent lack of input from refugees, as opposed to immigrants, renders refugees as readily able for discipline into capitalism and normativity.

A Theory of Queer Refugeeism

Queer Refugeeism is a presentation of a framework that can sustain and implore the radical potentials of the refugee and the queer. This work draws heavily from the scholarship of scholars within critical refugee studies, women of color feminism, and

¹⁹ Eithne Luibhéid has tracked the wide-ranging field of queer migration studies succinctly. See Eithne Luibhéid, "Queer/Migration: An Unruly Body of Scholarship," *GLQ: A Journal of Lesbian and Gay Studies* 14, no. 2-3 (2008), 169-190; See also Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009).

queer of color critique. These formations over the last four decades have been responses to theoretical articulations within critical race and ethnic studies and queer theory that resist the taken-for-granted structures and institutions that promise freedom for marginalized subjects. Furthermore, critical refugee studies and queer of color critique re-route attention away from the nation-state as a location of liberation. It is not just the nation, but also other dominant sites that simultaneously promise liberation, such as cultural nationalism, while working to discipline and maintain the hegemonies and violences that draw marginalized subjects to its regulatory powers in the first place. In her seminal essay, “Toward a Critical Refugee Study,” Yên Lê Espiritu urges scholarship about Vietnamese refugees to expand its repertoire by troubling the subject of the refugee as one in need of rescue by the U.S. nation-state. Vietnamese refugees are heterogeneous subjects whose experiences are complex and deeply imbricated with contradictions arising from the paradoxical historical processes of war, race, and violence. Moreover, assimilation is then assumed to be the ultimate solution to the refugee “crisis.” Early studies also suggest that the Vietnamese are better off in America who embrace low-paying and mundane jobs because that is *better* than if they were to be left for dead in Vietnam. Their hard working ethic and culture and their enthusiastic and uncritical embrace of the “American Dream” thus results in Vietnamese Americans becoming successful refugees and the “newest ‘model minority.’” This perspective always separates the refugee from other groups of color, and thus limiting the understandings of interethnic and intergroup logics. Espiritu argues that this contributes to the perpetuation of the model minority myth and cultural essentialism.²⁰ Espiritu elaborates in *Body Counts: The*

²⁰ Yên Lê Espiritu, “Toward a Critical Refugee Study: The Vietnamese Refugee Subject in U.S.

Vietnam War and Militarized Refuge(es) for a critical refugee study by stating that “this field begins with the premise that the refugee, who inhabits a condition of statelessness, radically calls into question the established principles of the nation-state and the idealized goal of inclusion and recognition within it.”²¹

Yet, Espiritu warns that a critical refugee study is not merely just a *critique*, but also, a study of the refugees themselves as, borrowing from Sherry Ortner, “intentionalized beings.”²² This is then a further call to understand refugees who have emerged after war as critical actors in producing a particular politics that attends to the tensions of gratefulness, of belonging, of resettling, of living in war’s aftermath. Thus, the “refugee” within critical refugee studies scholarship is both an *idea* and an actor who embodies both a politics and a life.²³ A critical refugee study approach will add substantially to the various conversations within Southeast Asian American studies in general, and Hmong studies in particular. For Espiritu, critical refugee studies seeks to move away from the traditional approach of merely “documenting” and “witnessing” the arrival of Southeast Asians in the U.S. Instead, it calls into question the critical engagement with *how* refugees have lived out a politics in light of being militarized beings.²⁴ This means, previous scholarship that sought to *empirically* document the experiences of Southeast Asian refugees misses the larger sociopolitical and sociohistorical factors through which the refugee experience is produced and understood.

Scholarship,” *Journal of Vietnamese Studies* 1, no. 1-2 (2006), 410-413.

²¹ Yên Lê Espiritu, *Body Counts: The Vietnam War and Militarized Refuge(es)* (Berkeley: University of California Press, 2014), 10.

²² Ibid., 13; Ortner, “Resistance and the Problem of Ethnographic Refusal,” 186.

²³ Espiritu, *Body Counts*, 4.

²⁴ Ibid., 36. Espiritu uses “militarized refuge” as a way to point out the paradox of places of refuge, such as military bases in Guam or the Philippines, for example, that were meant to resolve the refugee crisis and the violence ensued within them.

Instead, they take the refugee for granted as an inevitable subject of war's aftermath, in trying to *understand* empirically what and how refugees are living in the U.S. Thus, critical refugee studies radically shifts epistemologies concerning how the refugee and the "refugee experience" is constituted historically and politically.

Hmong studies scholarship from Sucheng Chan and Lillian Faderman were early works that documented Hmong American experiences before Espiritu's formulation of a critical refugee study. Their books *Hmong Means Free: Life in Laos and America* and *I Begin My Life All Over: The Hmong and the American Immigrant Experience*, respectively, sets up the work for us early on in examining how the wars in Southeast Asia, refugee camps, and life in the U.S. enhance to our understanding about the complexity of Hmong American experiences. Chan's book was the first collection that consisted of first person perspectives from Hmong Americans themselves.²⁵ Her stories prove that while Hmong Americans have struggled to live in the U.S. after their arrival from Southeast Asia, many have hopes of doing well and living a fulfilling life. In the opening chapter of Nkag Pov Xyooj's life story, he recalls his journey to the U.S., and ends by articulating his difficulty in adjusting to this country, particularly as he witnesses his own children "assimilating into American society" and are no longer listening to him. Yet, he is happy because his children are growing up American and he himself is enjoying the "prosperity and good life in America." Inevitably, he will live the rest of his life as a "good citizen."²⁶ The life stories in Chan's book, while not entirely

²⁵ Sucheng Chan, *Hmong Means Free: Life in Laos and America* (Philadelphia: Temple University Press, 1994), ix.

²⁶ Ibid., 85.

homogenous,²⁷ do speak to a particular narrative or theme of contentment or fulfillment—or what Mimi Thi Nguyen argues as *thankfulness*—that is emblematic of the “good refugee.”²⁸ This is especially crucial as I take up a critique of belonging within the U.S. through the category of the “good refugee,” as well as explicate the experiences of refugees themselves, to highlight and illuminate my larger questions about normative belonging and citizenship.

Hmong studies scholarship has brought to light the events of the Secret War in Laos, with books such as Jane Hamilton Merritt’s *Tragic Mountains*, Keith Quincy’s *Hmong: History of a People*, and Paul Hillmer’s *A People’s History of the Hmong* focusing on Hmong history before and during the Vietnam War and Secret War. Chia Youyee Vang’s works such as *Hmong in Minnesota* and *Hmong America: Reconstructing Community in Diaspora* have illuminated Hmong American life in the U.S. post-refugee migration. These works have contributed to the growing literature on Southeast Asian Americans more broadly, complementing Sucheng Chan’s *The Vietnamese American 1.5 Generation: Stories of War, Revolution, Flight, and New Beginnings* and *Survivors: Cambodian Refugees in the United States*, Nazli Kibria’s *Family Tightrope: The Changing Lives of Vietnamese Americans*, and Eric Tang’s *Unsettled: Cambodian Refugees in the New York City Hyperghetto*. Espiritu’s call for us to take a closer look at war and violence itself as the culprit in producing the refugee subject and to examine how lives are played out as a politics of seeking *more* to life after war is a direction that could

²⁷ For example, Chou Nou Tcha recalls the difficult of not having money, and his frustration about life in the U.S.

²⁸ Espiritu, *Body Counts*, 96; Mimi Thi Nguyen, *The Gift of Freedom: War, Debt, and Other Refugee Passages* (Durham: Duke University Press, 2012), 3.

be undertaken in Hmong studies scholarship going forward.²⁹ Hmong Americans studies, as some may call it, situates Hmong American experiences in the sociopolitical context of the Secret War, diaspora, and transnationalism while troubling taken-for-granted identity categories. Recent anthologies such as *Hmong and American: From Refugees to Citizens* and *Diversity in Diaspora: Hmong Americans in the Twenty-First Century* have expanded the purview of Hmong American experiences by documenting themes such as political activism, gender and sexual identities, art and music, and education. However, such works often reproduce nation-state-based analysis of Hmong American experiences that work, not to deconstruct the powers that create experience, but rather, reify them. Furthermore, working to position Hmong Americans as “citizens” or “Americans” without interrogating the problematics of additive models of both citizenship and scholarship is a pitfall in thinking about social justice for disenfranchised subjects, like queer Hmong American youth.

A critical refugee study is crucial as it allows for an approach to subject and subjective experiences embedded within a sociohistorical and sociopolitical framework, rather than taken-for-granted set of events that produces a particular authentic or inauthentic set of experiences. Following Kandice Chuh, this dissertation also engages with troubling the very subject of “Hmong American” through the various modes of signification, namely that of race, gender, sexuality, nationality, etc. Chuh states of her approach towards this subjectless critique, “By emphasizing the internal instability of ‘Asian American,’ identity of and as the other—the marginal, the marginalized—is encouraged to collapse so that the power relations to which it referred may be articulated

²⁹ Espiritu, *Body Counts*, 14.

anew, as the basis and effect of an Asian Americanist discourse grounded in difference.”³⁰ Chuh’s theorization of the category “Asian American” unsettles the “communal” and “activist” articulations of “Asian American” as a heteromasculinist category in opposition to whiteness.³¹ My work is indebted to the body of scholarship that have magnified the repertoire of Hmong American experiences, and I seek to add to this growing scholarship of analyzing Hmong American experiences using the approach of a critical refugee study, critical race and ethnic studies, and diaspora studies. Doing so means examining the experiences of Hmong Americans while simultaneously explicating the powers and structures that work to create belonging for Hmong Americans among axes of race, gender, and sexuality. While the tenets of what constitutes “Hmong American studies” or even a “critical Hmong American studies” will unquestionably continue to be contested among scholars and researchers, *Queer Refugeeism* is a way of expanding its purview in explicitly crafting a queer, feminist, and anti-racist political project that interrogates the ways Hmong Americans have been made and remade in the U.S. along the lines of race, gender, and sexuality.

Queer of Color Critique

Queer studies has the intellectual potential to add to the very serious considerations undertaken by critical refugee studies. This dissertation primarily engages with scholarship produced by queer scholars of color. Roderick A. Ferguson’s influential book *Aberrations in Black: Toward a Queer of Color Critique* presented queer theory

³⁰ Kandice Chuh, *Imagine Otherwise: On Asian Americanist Critique* (Durham: Duke University Press, 2003), 9.

³¹ *Ibid.*, 21.

with the framework “queer of color critique.” Ferguson advances our understanding of the intersections of race, class, gender, and sexuality by examining the historical and material emergence of black nonheteronormative sexualities. He states, “We need a study of racial formations that will not oblige heteropatriarchy, an analysis of sexuality not severed from race and material relations, an interrogation of African American culture that keeps company with other racial formations, and an American studies not beguiled by the United States.”³² Cathy Cohen’s article “Punks, Bulldaggers and Welfare Queens” points to a central problem of queer activism when it fails to consider other iterations of heteronormativity that may also be “queer.” Oftentimes, this is done not simply through upending homosexuality into heterosexuality—thus creating the homo/hetero binary—but rather through constructing a coherent form of heterosexuality itself.³³ Cohen asks us to deconstruct this very narrative of straight versus queer and to consider other abject subjects who may be heterosexual but not normative, such as the black welfare queen whose sexual choices are deemed as non-normative, immoral, and unworthy of state protection.³⁴ In certain ways, this formulation of queerness is useful when we consider Among American sexuality or kinships such as polygamy or “underage marriages.” Queer theory can expand its theoretical repertoire when it considers the wide-ranging positionalities held simultaneously by peoples that exist within state regulatory control and not just those who fall within the category of “homosexuality.” What Cohen’s version of queer theory does is provide an understanding that non-monogamous, non-

³² Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004), 29.

³³ Cathy Cohen, “Punks, Bulldaggers and Welfare Queens: The Radical Potential of Queer Politics,” *GLQ: A Journal of Lesbian and Gay Studies* 3 (1997), 440-441.

³⁴ *Ibid.*, 442.

heteronormative sexualities and conjugalities may provide theoretical allianceship for queer sexualities and conjugalities and vice-versa to tackle regimes of oppressive state-sanctioned heteronormativity. The usage of “queer” here signifies challenging the processes of normalization, and difference, that construct subjects along various axes. I am primarily concerned with how the idea of “refugee” is tied and intersected with “culture” to produce ideas about belonging that are not readily read as “gay” or even “homosexual.” Thus, “queer” as a political term is used here to denote these processes that illuminate epistemologies as well as fight back against heteronormativity.

Also relevant within queer of color scholarship is the framework of “queer diasporas.” I am employing the term “diaspora” as a way of resisting static identities, communities, and nationalities. Diaspora seeks not only to unsettle cultural nationalism, but also to rethink how migration around the world can create new ways of living that does not adhere to a “national culture” or even “true culture.” Conversations about queer diasporas have emerged in the last decade within critical ethnic studies. In particular, scholars such as David Eng, Gayatri Gopinath, and Jasbir Puar have questioned how diasporas function in ways that resist a particular starting or ending point. Gopinath’s book *Impossible Desires: Queer Diasporas and South Asian Public Cultures* is crucial in this development. Gopinath writes, “The critical framework of a specifically *queer* diaspora, then may begin to unsettle the ways in which the diaspora shores up gender and sexual ideologies of dominant nationalism on the one hand, and processes of globalization on the other.”³⁵ For Gopinath, a queer diasporic framework has the potential to re-orient ideas of home that are not neatly traced to an “original” nation-state. Thus,

³⁵ Gayatri Gopinath, *Impossible Desires: Queer Diasporas and South Asian Public Cultures* (Durham: Duke University Press, 2005), 10.

“home” shores up spaces of linearity in which nationalist agendas about identity and belonging are perpetuated. Rather, queer diasporas signals ongoing experiences that are not rooted in an “authentic homeland” (the homeland vs. the diaspora), but rather that it flows unevenly throughout different networks.³⁶

The Hmong around the world, not having a “homeland” or more precisely, nation-state, can unsettle assumptions about home and belonging that will add to the ongoing conversations about diasporas, and especially queer diasporas as it makes itself visible within Hmong American refugee migration. I argue that Hmong Americans, as refugees and as a people, have much to teach us about normative belonging. Following this archive of queer of color theories and critiques, *Queer Refugeeism* shows how it is that gender and sexuality within Hmong American communities have saturated Hmong American belonging in the U.S. and how queer Hmong American youth themselves work within narratives about “Hmong culture,” gender, and sexuality in order to create sexual, gendered, and sexual subjectivities. The example of the KDWB song in with which I have started this introduction with suggest that Hmong Americans as refugees are unassimilable because they come from a “different culture.” Their perpetual refugee status, as embodying backwardness and being unable to fit into American society, only condense Hmong Americans as unaccepting of homosexuality, with whom the U.S. state has rendered as normative subjects. The theoretical framework of queer of color critique attends simultaneously to the racial, gendered, and sexual formations of subjects, and the material conditions in which such formations are occurring and/or are being challenged.

³⁶ Ibid., 14.

Following Espiritu, my engagement with critical refugee studies does not merely “document” the lives of queer Hmong American youth, but rather, how their lives and experiences unsettle the logics of normative racial, gender, and sexual formations. I am interested in the ways in which freedom around sexuality is used in U.S. (and Western) discourse regarding lesbian and gay rights in order to create racialized subjects out of non-normative beings. The recent legalization of same-sex marriage as “victories” for lesbian and gay people only signal that indeed, lesbian and gay people are becoming liberated. Yet, by not accounting for how gender and sexuality within Hmong American communities continues to be reported and understood as non-normative within Western and Hmong American circles, and thus working to racialize Hmong Americans in the U.S., we forget about how rights discourses perpetuate violence to marginalized communities. As Chandan Reddy argues in his book *Freedom with Violence: Race, Sexuality, and the U.S. State*, we live in a world in which increasing freedom given to LGBTQ groups continuously devalue the lives of other groups.³⁷ Reddy’s work argue that race and sexuality continuously are at ends with one another, particularly as racial minorities are “saved” from their oppressive cultures. In “saving” a group of people, another group must be painted as the barbaric group in which the saving needs to be done. Thus, critical refugee studies undertakes a new task by examining how sexuality acts as a new valence to understanding the production of Hmong American subject formations altogether. By examining the experiences of queer Hmong American youth in the U.S., I expand on how subjects negotiate the tensions that are produced by the intermingling of race, gender, sexuality, refugee migration, and “Hmong culture.” Here, I

³⁷ Chandan Reddy, *Freedom With Violence: Race, Sexuality, and the US State* (Durham: Duke University Press, 2011), 1-2.

situate *Queer Refugeeism* at the heart of these emerging tensions, about liberation, citizenship, and belonging that is crucial to both queer and critical refugee studies. I argue that queer Hmong American youth, who are mostly second-generation children of refugees, are not “assimilated” Asian Americans or queers who have indeed achieved particular forms of cultural citizenship and belonging. Instead, my framework in coming to understand the complexity of same-sex desires and queer identities grows out of the contention that indeed, belonging in this world must be interrogated through the histories of ideas grown out of the violence of representing “Hmong culture,” and of non-belonging within the queer figure, rendering identities as non-essentialist and in flux, unsettled, and queer.

The word “queer” has been used in popular discourse and academic studies to refer to non-heterosexual or non-heteronormative identities, sexualities, and practices. However, the political usage of “queer” has been described by many scholars within queer theory, and famously articulated by David Halperin as “whatever is at odds with the normal, the legitimate, the dominant.”³⁸ David Eng, Judith Halberstam, and Jose Esteban Muñoz describes “queer” as a term that works at “interrogating the social processes that not only produced and recognized but also normalized and sustained identity, the political promise of the term resided specifically in its broad critique of multiple social antagonisms, including race, gender, class, nationality, and religion, in addition to sexuality.”³⁹ I am also utilizing “queer” as a political term to destabilize

³⁸ David M. Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1995), 8. For a further elaboration on the genealogy of “queer,” see Mel Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (Durham: Duke University Press, 2012), 57-88.

³⁹ David L. Eng, Judith Halberstam, and José Esteban Muñoz, “What’s Queer About Queer Studies Now?,” *Social Text* 23, no. 3-4 (2005), 1.

normative belonging in *Queer Refugeeism*, but also as an overall blanket term for lesbian, gay, bisexual, and transgender peoples. I choose the term “queer Hmong American youth” over “LGBTQ Hmong American youth” because I am striving to use queer as a means of destabilizing lesbian and gay identities.

Politics of “Hmong Culture”

“Culture” has been a contentious concept within academic studies for well over a century. It is, and remains, one of the central unifying concepts within anthropology and sociology. Most importantly, the issue of “culture” is significantly tied to a fragmented world system that divides people into their respective “unique” nation-states in which a distinctive “culture” is stagnantly bounded. Thus, for anthropologists, studying people of a “different culture” entailed the physical traveling to a distant location that which is obviously separate from the West. Immigrants particularly within the U.S. are understood in relation to their homelands. Thus, they bring with them their “cultures” from their original nation-states. This conjures up the notion of “multiculturalism” whereby differentially unique cultures can thrive within a singular liberal nation-state. This is where Akhil Gupta and James Ferguson argues is the problematic of culture and space. Space can be attributed as far away from one another, or localized, but nonetheless still compartmentalizes cultures into its own “subculture” or “multicultural” space.⁴⁰ This problem of localized space is furthermore muddled by the invisibility and visibility of culture for certain peoples and not others. Renato Rosaldo famously demonstrates this through his study of Ilongots in the Philippines where precultured Negritos are physically

⁴⁰ Akhil Gupta and James Ferguson, “Beyond ‘Culture’: Space, Identity, and the Politics of Difference,” *Cultural Anthropology* 7, no. 1 (1992), 6-8.

separated from post-cultural lowlanders and where uncultured Ilongots are precariously situated in-between.⁴¹ In a multicultural U.S., “culture” is deployed in the racialization, othering, and division of uncultured modern subjects like white Americans in opposition to “cultured” subjects like immigrants and people of color. The problem with a multiculturalist diagram still posits a racial hierarchy rather than racial equality.⁴² Thus, Rosaldo argues, the “melting pot” schema of acculturation into a society with “no culture” paradoxically fails precisely because it produces a heightened cultural difference despite the romances of U.S. assimilationist race relations.⁴³

Hmong Americans, and the Hmong across the globe, have no bounded nation-state in which to stake a territorialized homeland. The post-1975 refugee migration period has produced the exodus of Hmong across the globe. The lack of a nation-state destabilizes the notions of “culture” popular within anthropological doctrines. Hmong as refugees in the popular imagination meant they have “lost everything.” This schematic depiction of refugees as literally only bringing the clothes on their backs in recreating a community in the diaspora meant reconnecting over immaterial concepts such as “Hmong culture.” As Gary Yia Lee writes, “The Hmong do not have any enduring icons or monuments destroyed by the war which have to be physically rebuilt. At most, they have cultural items or traditions which became lost or forgotten during the war and after relocation to the West, such as ethnic costumes, embroideries and musical instruments.”⁴⁴

⁴¹ Renato Rosaldo, *Culture and Truth: The Remaking of Social Analysis* (Boston: Beacon Press, 1989), 198-203.

⁴² See Avery F. Gordon and Christopher Newfield, “Introduction,” in *Mapping Multiculturalism*, eds. Avery F. Gordon and Christopher Newfield (Minneapolis: University of Minnesota Press, 1996), 6-10.

⁴³ *Ibid.*, 211.

⁴⁴ Gary Yia Lee, “Hmong Post-War Identity Production: Heritage Maintenance and Cultural Reinterpretation,” in *Cultural Heritage in Postwar Recovery*, ed. Nicholas Stanley-Price (Rome: ICCROM, 2007), 55.

This reformulation of “culture” against the context of forced exile becomes more explicit as Hmong Americans begin to rebuild their lives in the diaspora. The Hmong across the globe then have labored to “survive” through the maintenance of their language and culture.⁴⁵ As Lee continues to explicate, this fracturing of the Hmong into various parts of the world has concurrently manufactured innumerable version of “Hmong culture” in respect of the contexts in their host countries.

The hybridized experimentations of cultural artifacts such as clothing and musical instruments and the limitations of laws that forces the Hmong to recreate their religious traditions meant that the Hmong have been able to share knowledge globally about how to adapt to their host societies while maintaining parts of their unique “culture.”⁴⁶ In short, “Hmong culture” has become more prominent as the Hmong take up measures such as the creation of classes and media and the dissemination of cultural artifacts across the diaspora in order to recreate, but also maintain, “Hmongness” and “Hmong culture.” This proclamation of “Hmong culture” as the unifier of the Hmong across the globe is especially noticeable in the U.S. because it functions as the basis of minoritized ethno-national identity formation. The boundedness of which is now popularly understood as “Hmong culture” or “Hmong tradition” serves as the identification marker for Hmong Americans in the absence of a territorial nation-state. As sociologist Jeremy Hein has described, a majority of Hmong American refugee leaders have taken a migrant orientation in regards to belonging by emphasizing the preservation of “Hmong culture” within internal Hmong American communities as opposed to a minority orientation

⁴⁵ Kou Yang, “Hmong Diaspora of the Post-War Period,” *Asian and Pacific Migration Journal* 12, no. 3 (2003), 295-296.

⁴⁶ *Ibid.*, 56-57.

which is defined through addressing problems of discrimination. In some instances, of course, there are hybridized versions of Hmong American belonging and leadership.⁴⁷ While Hein's model is not an entirely encapsulating view, it nonetheless is symptomatic of the ways "Hmong culture" features as a prominent element of belonging in the fostering of "leadership" among the Hmong in the diaspora. "Culture" becomes a contested domain of belonging in part because as refugees, Hmong Americans are understood as having only their "culture" as the "thing" in which they still hold significant power and in which they are actively working to maintain.

My usage of "culture" is further a mode of examining the predicament of Asian American racialization. The racialization of Asian Americans prominently transpires in the model minority myth. "Asian culture" is seen as superior to other cultures in that it facilitates "cultural" teachings mostly notably among East Asian Americans and Indian Americans. Asian Americans are popularly depicted as upwardly mobile, hardworking, successful, and educated through exemplary Confucian ethics of hard work, respect, and the pursuit of knowledge. Amy Chua's parenting memoir *Battle Hymn of the Tiger Mother* presents a stereotypical view of strict and intense hyperparenting that disciplines her Asian American children into academically successful model minorities.⁴⁸ While seemingly strict and limiting, nonetheless, severe "Asian culture" of parenting is seen as beneficial for Asian Americans in the longrun precisely because it can foster successful minorities.⁴⁹ Kwame Anthony Appiah drives this point in arguing that "culture" and

⁴⁷ Jeremy Hein, "From Migrant to Minority: Hmong Refugees and the Social Construction of Identity in the United States," *Sociological Inquiry* 64, no. 3 (1994), 290-294.

⁴⁸ See Amy Chua, *Battle Hymn of the Tiger Mother* (New York: The Penguin Press, 2011).

⁴⁹ I thank Kale Fajardo and Ma Vang for asking me the good questions in refining the model minority myth within Hmong American communities.

“ethnic identity” are distinct spheres but nonetheless come to constitute each other in the U.S. precisely through its easy conflation. He argues, “Ethnicity in modern society, it is often the distinct identity that comes first, and the cultural distinction that is created and maintained because of it.”⁵⁰ That is, “Asian” is already seen as a distinct ethnic identity only compounded through its usage of “culture.”

This is a stark difference to the deployment of “Hmong culture” in the U.S. Hmong American families are dysfunctional in the sense of a neglectful parenting in part due to Hmong American parents as illiterate refugees. However, on the opposite side, “Hmong culture” is also seen as inhibiting the full potential of Hmong American children. Girls are especially expected to fulfill their gendered duties of marriage and childrearing in accordance to “Hmong culture.” In many instances, the forced marriages, bride kidnapping, and underage marriages that occur in “Hmong culture” is popularly understood as a way in which parents’ wishes and actions are detrimental to Hmong American girls. The model minority myth is destabilized not as a social construction, but as a way in which Hmong Americans can never achieve its ideals. The Hmong American nuclear family unit stands in as the failure of “Hmong culture” rather than its “success.” The implementation of “culture” in the name of the normative family racializes Hmong Americans as “dysfunctional” Asians rather than successful model minorities.

The pronouncement of “Hmong culture” in the diaspora contemporaneous with what Jodi Melamed calls neoliberal multiculturalism, in which “culture” acts “as the displacement of racial reference, nonetheless remains associated with ideas of ‘diversity,’

⁵⁰ K. Anthony Appiah and Amy Gutmann, *Color Conscious: The Political Morality of Race* (Princeton: Princeton University Press, 1996), 89.

‘representation,’ and ‘fairness.’”⁵¹ Racism is made to appear as dwindling when in fact it has come to operate in forms that saturate policies as much as it does epistemologies and ideologies. Employing quotation marks around “Hmong culture” throughout this dissertation signifies the instability of culture as a monolith while working to experiment with how Hmong Americans are engaging with culture in light of diasporic and refugee post-migrations. My usage of “Hmong culture” is heavily influenced by Stuart Hall’s formulation of the epistemological dimensions of the “cultural.” Hall takes culture as a system of symbolic meaning in which the cultural turn has been derived from through an exposition of among other things, language. In this sense, “culture” is constitutive, rather than being wholly dependent upon when embarking on social analysis.⁵² This position suggests that social phenomenon and practices all have discursive elements that are bounded up in meaning. “Hmong culture” is no different than that of any other “cultural” formations in that its animations are wholly discursive and contingent on a host of interpretations across time, space, and localized contexts. Ultimately, my usage of “Hmong culture” is never an essentialized concept because of my commitments to dislodge its popular and doctrinal orthodoxies as stagnant, dysfunctional, and universally bounded. Culture as a system in which to stake belonging operates as discourse, in which Hmong Americans are able to repeatedly contest and refine in accordance to their personal and political contexts. In this way, I also pluralize “communities” as a means of subverting the notion of a monolithic “Hmong community” possessing a singular culture.

⁵¹ Jodi Melamed, “The Spirit of Neoliberalism: From Racial Liberalism to Neoliberal Multiculturalism,” *Social Text* 89, no. 4 (2006), 19.

⁵² Stuart Hall, “The Centrality of Culture: Notes on the Cultural Revolution of Our Times,” in *Media and Cultural Regulations*, ed. Kenneth Thompson (London: SAGE Publications, 1997), 220-225.

Methods and Objects of Queer Refugeeism

This dissertation is the first study to analyze the intermingling of racial, gender, and sexual formation of the Hmong diaspora, as well as the first study to ever engage queer Hmong American youth experiences. *Queer Refugeeism* seeks to add to the ongoing conversations about Southeast Asian American and Hmong American experiences. Specifically, it will raise new concerns on how to think about gender and sexuality regarding second-generation identity and subjectivity, and how it relates to larger social justice pursuits surrounding the queer social movements in the U.S. A movement towards social justice means understanding how particular groups of people are understanding and practicing particular sexualities in relation to their understandings of “culture.” Without understanding Hmong Americans, whose sexualities are represented within the West as non-normative, coupled with a discourse of being unaccepting of lesbian and gay people, makes social justice difficult to achieve.

Queer Refugeeism bridges the fields of Southeast Asian American studies and Queer studies. Often, these two fields have similar questions related to belonging, identity, and home, but by not explicitly stating their relatedness, we often cannot see how they are intimately connected. Both fields have questioned ideas about normative belonging in the U.S. Recent “victories” such as marriage equality, or even the Hmong Veterans’ Naturalization Act of 1997, have positioned queer and Southeast Asian Americans living in the U.S. as supposedly “belonging” within the nation.⁵³ Yet, queer Hmong American youth, who are living the legacies of the U.S. Secret War in Laos as children of refugees, and yet are also engaging with ideas about being queer in the U.S. in

⁵³ See for example Ma Vang, “The Refugee Soldier: A Critique of Recognition and Citizenship in the Hmong Veteran’s Naturalization Act of 1997,” *positions* 20, no. 3 (2012), 685-712.

light of the legalization of same-sex marriage, can help us unsettle many taken-for-granted ideas about normative belonging. Hmong Americans have long sought recognition in regards to their war participation; their status as “refugees” has been most salient in understanding their existence in the U.S. in general. This is especially true when speaking about gender and sexuality. The idea that “Hmong culture” is not aligned with the Western cultural norms and is not “modern” enough to “accept” homosexuality continues to be crucial to descriptions of queer Hmong American youth identities and belonging. Thus, aspirations for normative belonging as “refugees” and as “queers” in the U.S. are crucial to a theory of queer refugeeism.

Queer Refugeeism is two-fold. Part I crafts out the discourse of hyperheterosexuality as it exists in multiple institutions. I analyze the ways in which gender and sexuality have been constructed from both outside and inside Hmong American communities through analyzing the conversations and constructions of rape, polygamy, abusive transnational marriages, and underage marriages. The powers of the discourse of hyperheterosexuality enable essentialist and stereotypical imaginations about Hmong Americans as racially different in the ways they practice kinship and gender. “Hmong culture” is conflated as pathological in condoning and perpetuating oppression against women and young girls through highly visible practices such as rape, polygamy, abusive transnational marriages, and underage marriages. Reading various texts such as case studies, news articles, advocacy, and legislative bills, I argue that the discourse of hyperheterosexuality is crucial to Hmong Americans’ sense of belonging in the U.S. Hmong Americans, however, also engage in their own representations and location in the U.S. through advocacy that seeks to de-link “Hmong culture” from pathology and

criminalization. In short, Part I concerns the ideological aspects of Hmong American gender, racial, and sexual formation discourse.

Part II of *Queer Refugeeism* moves from the ideological to the material as I analyze the opposite end of hyperheterosexuality. That is, the invisibilization of queer sexualities, identities, and subjectivities in the name of a hyperheterosexual and heteronormative “Hmong culture.” I utilize in-depth interviews with seventeen queer Hmong American youth in order to reveal the devastating consequences that essentialized hyperheterosexual cultures have on queer Hmong American youth. The youth in this dissertation are Hmong Americans who identify as either lesbian, gay, bisexual, transgender, or queer. My definition of “youth” is derived from Hmong American conceptualizations of “young people” who generally have not married and/or considered too young to be taken seriously in their understandings of “Hmong culture.” I am deliberate in formulating “youth” in this manner in order to legitimize and take seriously young people’s perspectives about race, gender, sexuality, culture, and belonging while destabilizing the protracted and violent effects of framing elders as the so-called essentialist “bearers of truth” regarding a bounded “Hmong culture.” The interviews that I conducted lasted from one to two hours and occurred at cafes, private offices, my home, and the homes of the youth. I asked open-ended questions that allowed my participants to elaborate on themes of family, identity, same-sex marriage, and “Hmong culture” at great lengths. I investigate the ways queer Hmong American youth are remaking “Hmong culture” in ways that are liberating for them. Part II is not about documenting the “queer Hmong American youth experience” in the empirical sense. Instead, I weave in narratives as I argue for a theory of queer refugeeism, exemplified by the likes of Chuh, that

complicates gender and sexuality within “Hmong culture.” For Chuh, reading literature as “theory” means making visible Asian American literature as not simply “multicultural” texts, but theoretical texts that which offers a different mode of theorizing beyond white, Eurocentric “high theory.”⁵⁴ I read queer Hmong American youth experiences discursively as a form of theorizing that troubles essentialized identity frames and Hmong American hyperheterosexual “cultures.”

I analyze two discourses of rape in chapter one, namely power rapes and gang rapes, in order to craft out a discourse of hyperheterosexuality concerning “Hmong culture.” I examine how law and media shape Hmong American racial, gender, and sexual formation. In doing so, I argue that gender is warped up in discourses of hypermasculinity for Hmong American men and hypervulnerability for Hmong American women and girls through the demonization of “Hmong culture.” This knowledge becomes naturalized over time as common sense, or as an essential “truth” of Hmong Americans as perpetually unassimilable refugees. Chapter two turns towards polygamy and abusive transnational marriages as ways Hmong Americans have engaged with the hyperheterosexuality of their cultures. I examine cultural productions, Hmong American ethnic newspapers and magazines, and an advocacy campaign to end abusive transnational marriages as ways in which “Hmong culture” is being contended with in alignment with U.S. representations of Hmong Americans. Ultimately, I argue that Hmong Americans are concurrently aware of their representations as they remake their sense of belonging in the U.S. in bringing about restorative justice for disenfranchised and subordinated Hmong American subjects. Chapter three turns to the law and its

⁵⁴ Chuh, 16-20.

regulation of Hmong American traditional marriages through the highlighting of “underage marriages” in Hmong American communities. I read the Hmong marriage bills and the legislative committee hearings enacted in the early 1990s through mid 2000s that sought to rectify Hmong Americans’ standing in the U.S. That is, the Hmong marriage bills were designed to bestow the Hmong American marriage negotiator, the *mej koob*, with legal powers to sign marriage certificates for Hmong American traditional marriages. However, the backlash over whether such a figure can and will perpetuate “underage marriages” lies at the heart of the controversy. My argument is that the failure of the Hmong marriage bills signals a potential for Hmong Americans to rectify gender and sexuality beyond juridical structures.

Part II, and chapter four begins with a critique of refugee and Hmong American cultural essentialism. Employing a combination of close readings of the case of the suicides of a Hmong American lesbian couple Pa Nhia Xiong and Yee Yang with queer Hmong American youth narratives, I argue that the other extreme of the discourse of hyperheterosexuality renders invisible the lives and experiences of queer Hmong American youth. The costs of uncritical dichotomies of Hmong American refugee experiences in the U.S. have deadly consequences for queer Hmong American youth. Instead, I carve out ways queer Hmong American youth have problematized “Hmong culture” and religion in order to craft new modes of being beyond essentialized hyperheterosexuality. I turn to questions of community and identity in chapter five as a way to trouble the homogeneity of Hmong Americans. I utilized queer diasporic frameworks and theoretical insights to examine how queer Hmong American youth are experimenting with community and identity in fashioning their senses of belonging. In

the chapter six, I analyze the strategies that a queer Hmong American and Southeast Asian American collective called MidWest Solidarity Movement (MWSM) have utilized in order to defeat a marriage ballot initiative in Minnesota. The ballot initiative sought to define marriage as being between one man and one woman. Reading a photographic campaign by MWSM, using ethnographic and participant observation conducted over the months of the ballot initiative battle in 2012, and utilizing queer Hmong American youth narratives, I argue that through disidentificatory identity and political practices, queer Hmong American youth are queering even the queer battle for the legalization of same-sex marriage in the U.S. as they simultaneously remake “Hmong culture.”

Chapter 1

Stories of Commotion: Discourses of Hyperheterosexuality Through Media and Law

In his course on legal formalism on February 15, 2007, University of Wisconsin-Madison Law School professor Leonard Kaplan made extremely racist comments regarding Hmong Americans. Hmong American law students Kanha Vuong, Kashoua Yang Thao, Mai Der Vang, and KaShia Moua alleged that Kaplan's statements approximated, "Hmong women are better off now that Hmong men are dying off in this country," and "all Hmong men purchase their wives, so if he wants to have sex with his wife and she doesn't consent, you and I call it rape, but the Hmong guy is thinking, 'Man, I paid too much for her.'" Kaplan also allegedly stated, "Hmong men have no skills other than killing," and that "All second-generation Hmong end up in gangs and other criminal activity."⁵⁵ Disagreements subsisted as to Kaplan's actual words, but few people disputed the racist portrayals that Kaplan illustrated. Many Hmong American students and community members reacted to Kaplan's statements with confusion and anger. Some wondered how and why an educated authority figure such as a tenured law professor could declare such racist and ignorant statements. Some Hmong Americans grasped this incident as yet another episode in the ongoing ignorance of Hmong American

⁵⁵ Sara Rosser, "Anti-Hmong Comments Set off a Law School," *Inside Higher Ed*, February 16, 2007, accessed June 1, 2016, <https://www.insidehighered.com/news/2007/02/26/hmong>; Jason, Jaschik, "What the Professor Said," *Inside Higher Ed*, March 7, 2007, accessed June 1, 2016, <https://www.insidehighered.com/news/2007/03/07/kaplan>; Jason, Shepard, "Prof Pays Price for Causing Offense," *Isthmus*, March 8, 2007, accessed June 1, 2016, <http://isthmus.com/news/news/prof-pays-price-for-causing-offense/>.

communities in this country. Others saw this event as a teaching moment to bring Hmong American issues to light and to educate the wider University and non-Hmong individuals about Hmong American communities and issues in the U.S.⁵⁶

Kaplan's remarks are unfortunately situated within the hunting incident in which Chai Soua Vang, a Hmong American man, killed six white hunters in the northern Wisconsin woods on November 21, 2004. The subsequent media portrayed Vang as a soldier who was knowledgeable of using deadly weapons and capable of killing people because of his background as a refugee from Laos. Vang was depicted as the epitome of Hmong American hypermasculinity: violent, dangerous, and deadly. The Kaplan incident also exposed the interconnections between Hmong American racial, gendered, and sexual formation. Kaplan's statements makes reference to Hmong American men as killers, gangsters, or rapists, while simultaneously suggesting towards a violent sexuality and sexual nature through rape, traditional marriages, and "Hmong culture." His statements about Hmong wives and brides as forcefully raped further compounds male hypermasculinity with that of female hypervulnerability. However, none of the reactions from Hmong Americans suggests that these statements were sexually and provocatively gendered. Instead, "racism" comes in to stand as the salient injury and invocation of Kaplan's statements to suggest that Hmong Americans exist as only an ethnic and racial group. Kaplan's later sentiments in an invitation-only forum in which Kaplan suggested that "political correctness" had trumped the "truth" of things, here suggesting to the "truth" of Hmong American cultural and social life as *commonsensically* hypersexual, patriarchal, and violent. The Critical Hmong Studies Collective, a group of Hmong

⁵⁶ Pat Schneider, "Hmong Wonder: How Could Law Professor Make Such Remarks?" *Free Republic*, February 28, 2007, accessed June 1, 2016, <http://www.freerepublic.com/focus/f-news/1792974/posts>.

Studies scholars, poignantly argued in an essay published in *Diverse: Issues in Higher Education* that this case should not be reduced to this one incident, but that it represents the ongoing violence of Hmong American invisibility and racial distortion in the U.S.⁵⁷

I begin this chapter with this case as a way to meditate about how racial renderings of Hmong Americans are simultaneously laden with gendered and sexual themes. Oftentimes, sexuality is unnamed within portrayals of Hmong Americans. This incident indicates the lack of knowledge that the American public majority have about Hmong Americans. However, it also reveals that a certain sector of the majority do possess a *selective knowledge*. This is precisely the issue at hand; knowledge about Hmong Americans continue to proliferate within popular and material discourse because there exists supposed “established truths” and common sense of which to draw from, despite them being “half-truths.” Selective knowledge about Hmong Americans then has contributed to their abjection in the U.S. as refugees from the Secret War. This is especially crucial when the following questions are considered: How did Kaplan know about these “truths” of Hmong American society? Where did these ideas of Hmong American racial, gendered, and sexual constructions come from? How and why do these ideas about Hmong Americans continue to persist over time, arguably ongoing in the present, and across various communities and social fields? How do these “truths” about “Hmong culture” become “common sense” and how do they become so easily accessible?

⁵⁷ Dia, Cha, Leena Her, Pao Lee Vue, Ly Thong Chong Jalao, Louisa Schein, Chia Youyee Vang, Ma Vang, and Yang Sao Xiong, “Perspectives: Knowledge, Authority, and Hmong Visibility,” *Diverse: Issues in Higher Education*, March 13, 2008, accessed June 1, 2016, <http://diverseeducation.com/article/10828/>.

It is here that I examine the press and the law as mediums and outlets that have shaped Hmong American racial, gender, and sexual formations. Representations of Hmong Americans in the media and scholarly literature have undoubtedly shaped notions of “Hmong gender” and “Hmong sexuality” over time.⁵⁸ However, popular press journalism and the legal system gave way to a form of understanding and relating mores about sexuality that perhaps differed from scholarly documents. As with any community, society, or group of people, gender and sexuality are often ways to (re)produce othering or ways of difference. Hmong Americans in the U.S. are not exempt from orientalizing and othering messages and representations. The persistent racialized and racist ideas about gender and sexuality in Hmong American communities, with gender and sexuality here broadly defined to include family formations, ideas about gender, gender roles, conjugal and intimate practices, masculinity, femininity, sexual practices, and “culture,” continue to linger within the public sphere. I also seek to grasp how Hmong Americans’ historical context as refugees in the U.S. continues to play out in relation to these ideas. Hmong Americans are depicted as different through their status as refugees and as soldiers, aiding the characterizations of Hmong Americans as *culturally* and *ethnically* different. Specifically, my theorization of Hmong American gender and sexuality seeks to understand what gendered and sexual forms occlude both legal and cultural belonging. This also begs the question of what gendered and sexual forms underlie the formations of refugee experiences among first and second generation Hmong Americans. At the same

⁵⁸ For scholarly literature on Hmong gender and sexuality, see Robert Cooper, “Sexual Inequality Among the Hmong Highlanders of Thailand,” in *Highlanders of Thailand*, eds. John McKinnon and Wanat Bhruksasri (Kuala Lumpur: Oxford University Press, 1984); Nancy Donnelly, *Changing Lives of Hmong Refugee Women* (Seattle: University of Washington Press, 1994); and Patricia Symonds, *Calling in the Soul: Gender and the Cycle of Life in a Hmong Village* (Seattle: University of Washington Press, 2004).

time, my interest also lies in how gender and sexuality impact and are implicated in ways of belonging in the U.S.

In this chapter, I examine rape reports about Hmong Americans in the media by examining articles and events within Hmong American communities in the early 1990s to irradiate a discourse of hyperheterosexuality. I separate two formulations of rape that contributes to the discourse of hyperheterosexuality. I examine newspaper articles that were written about gender and sexuality regarding Hmong American communities from 1975 to the present. Hmong Americans were featured in various stages throughout the mid to late 1970s and 80s in American newspapers, including national newspapers such as the *New York Times* and *Washington Post*. On a local scale in the Twin Cities, newspapers such as the *St. Paul Pioneer Press* and the *Minneapolis Star Tribune* have produced hundreds of articles about Hmong Americans since the late 1970s. Although I perform readings of a narrowly delineated topic (rape), my strategy is to illuminate how it is a symptom of a larger social intercourse in the production of the discourse of hyperheterosexuality. My goal is to elucidate the ways gender and sexuality in Hmong American communities has been historically, anecdotally, and discursively constructed within U.S. race, gender, and sexual politics. I argue that media portrayals and the concomitant legal demonstrations contribute to a larger discourse and “common sense” ideas about “Hmong sexuality.” This methodology of analysis follows Foucault’s theorization of how institutions uses sex as an “incitement to discourse.”⁵⁹ The unceasing representations and ideas about so-called conservative and primitive gender and sexuality in Hmong American communities in fact work to bring out a multiplicity of sexualities

⁵⁹ Foucault, *History of Sexuality*, 15-36.

instead. Yet, the discourse of hyperheterosexuality that has been incited has come to be appropriated and perpetuated as problematic and dehumanizing means of understanding Hmong Americans as racialized others. This form of power furthered the proliferation and problematic responses from Hmong Americans themselves, which I will discuss in chapter two. Hmong Americans then simultaneously avow and disavow discourses of hyperheterosexuality. To this end, I will explore and show the relationship between news reporting discourse and its concurrent manifestation in law, and the hegemonic modes of knowledge production about Hmong Americans that have emerged. Hegemonic knowledge is able to present taken-for-granted assumptions about particular societies. In the U.S., dominant media representations and the law contribute to authoritarian knowledges about its peoples. People of color are especially subjected to the twisted and distorted powers of media and law. Thus, for Hmong Americans, my goal is to explore this dialogic relationship between popular journalism, law, knowledge production, and discourses around gender and sexuality in Hmong American communities in the post-refugee migration era.

Common Sense Through Media and Law

Media such as news articles (both local and national), television, films, music, and internet blogs are all discursively aligned to incite discourse. The law, including the arguments, decisions, and criticism, also make and remake belonging and citizenship in relation to race, gender, and sexuality. In Kent Ono's and Vincent N. Pham's study of Asian Americans in the media, they write that "discourse is produced and organized in particular ways and serves as the basis by which ideas are formed and knowledge is

produced, and ultimately, for how people relate to other people and how societies are formed and structured.”⁶⁰ Thus, news media and its subsequent process of knowledge production is a relational process that connects people over time. Societies can be transformed through the information that is transmitted electronically and legally, especially in our digital age, where it can be easily consumed in multiple mediums. In her study of a murder and lynching stories in the nineteenth century, Lisa Duggan writes that media such as “newspapers assembled and circulated narratives that accumulated coherence through repetition and power through shaping the material contexts, the rules and politics, the beliefs and behaviors governing the boundaries of private and public life.”⁶¹ She continues, “News stories in the mass circulation press during the 1890s employed the conventions of scandal or the language of sensationalism to produce plots, characterizations, and emotional contexts.”⁶² However, for Duggan, these productions are also encrypted with contradictory meanings, responses, and interpretations among the public.

Mass communication scholar Timothy E. Cook argues that the mass media is a political institution. In his “institutional approach,” Cook argues that mass media is governed by elected officials, journalists, and other political actors. The press is not abstract, and consists of multiple coauthors that work discursively to create ideas within the realm of the social. Yet, Cook is not suggesting that particular discourses cannot be created by the news media, to which he calls the homogeneity hypothesis. In fact, he

⁶⁰ Kent A. Ono and Vincent N. Pham, *Asian Americans and the Media* (Cambridge: Polity Press, 2009), 26.

⁶¹ Lisa Duggan, *Sapphic Slashers: Sex, Violence, and American Modernity* (Durham: Duke University Press, 2001), 34.

⁶² Ibid., 35.

suggests that the multiplicity of actors within the news media are so closely intertwined to where the news media and politics can be easily seen to overlap.⁶³ My cue from Cook points to my argument that there is a certain form of homogenous narrative that develops through the racialization and sexualization of Hmong American bodies that contributes to formations about Hmong American racial, gender, and sexual cultural politics. I also take the press as an institution consisting of authors and journalists who choose and inadvertently represent Hmong Americans in various troubling ways. This process is both simultaneously reflective of American cultural and political ideologies of wanting and actively seeking to understand immigrants, refugees, and other “newcomers” who are deemed racially and ethnically different.

The documentation of social phenomenon within media exists within a dialectical relationship with the law, as both institutions work to produce racialized images of migrant gender and sexuality. While I do not examine the legal documents themselves, I do scrutinize how court proceedings are popularly understood within newspaper articles. This intimacy between media and law further compounds the common sense ideas about Hmong Americans as it is the common sense about law that is transmitted in the public sphere. Media’s power in shaping legal understandings has troubled legal scholars, lawyers, and judges. Media distorts the law. It also translates information to lay people that go beyond legal proceedings. Communication and cultural studies scholar Lieve Gies writes, “Much of popular culture is concerned with affording a lay audience a glimpse of

⁶³ Timothy E Cook, “The News Media as Political Institution: Looking Backward and Looking Forward,” *Political Communication* 23, no. 2 (2006), 163.

law's inner sanctum.”⁶⁴ While I do not disagree that media distorts the law beyond its inner workings, media is also invested in exploiting and appropriating the theatricalities of the law, as Gies continues, “Media pressures do not cause law to become spectacular but that they are merely capitalizing on the spectacular qualities already present in legal procedure.”⁶⁵ Together, institutions such as media (and for the purposes of this chapter, newspaper articles) and law are powerful vehicles for the construction and transmission of racialized, gendered, and sexualized narratives and meanings into the public sphere, which over time becomes naturalized as common sense knowledge especially as it regards the differential alterities of immigrants, refugees, and people of color in the U.S.

In these cases on gender and sexuality in Hmong American communities, my argument extends to the creation of a common sense about the incongruence of Hmong people within American society. Common sense and homogeneity are related to the concept of hegemony. I draw from Antonio Gramsci, who defines common sense as the uncritical and largely impulsive, popular, and unconscious thinking among a mass of people within a specific society. These images of Hmong Americans within dominant media have become common sense in that they control memory and consciousness about Hmong American gender and sexuality. Common sense is the product of a ruling class that directs and creates intellectual consciousness. This consciousness is ideologically streamlined to the masses as a means of domination.⁶⁶ Common sense sets the boundaries regarding the presumptions and assumptions about civil society and determines the

⁶⁴ Lieve Gies, *Media and the Law: The Future of an Uneasy Relationship* (New York: Routledge-Cavendish, 2007), 7.

⁶⁵ Ibid., 13.

⁶⁶ Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1971), 199.

discourse of culture. In this way, the ideological and discursive lives of common sense knowledges sustains itself through hegemonic institutions and the peoples contained within it. Gramsci juxtaposes “common sense” to the “good sense.” The good sense exists within the common sense in order to unravel the coherency within common sense, and thus can be “scientific” in the sense that it combats the popular and largely unscientific beliefs of the common sense. Commonsensical notions for Gramsci are ideas that have both hegemonic and revolutionary forces, as he writes, “So it appears that here again it is not possible to separate what is known as ‘scientific’ philosophy from the common and popular philosophy which is only a fragmentary collection of ideas and opinions.”⁶⁷ To put into further elaboration, Kara Keeling writes that the common sense “refers simultaneously to a shared set of motor contrivances that affect subjective perception and to a collective set of memory-images that includes experiences, knowledges, traditions, and so on that are available to memory during perception.” Common sense here is a way of forming clichés that perpetuate present images and perceptions about particular groups of racialized, gendered, and sexualized subjects.⁶⁸ Keeling’s adoption of Gramsci’s common sense dispatches messages about masculinity, butchness, and femmeness that make legible and intelligible black subjects. Stories about Hmong American “gangsters” raping Hmong American girls, and Hmong American girls and women as needing to be protected from “Hmong culture” gives rise to common sense knowledge about Hmong Americans themselves, which I will elaborate below. In this cycle of perception, “we” are subsumed into a set of past sensory-motors that allow for

⁶⁷ Ibid., 328.

⁶⁸ Kara Keeling, *The Witch’s Flight: The Cinematic, the Black Femme, and the Image of Common Sense* (Durham: Duke University Press, 2007), 14-15.

movements to occur. It allows for the perception of “Hmong American” as already and intrinsically embedded in statements such as “gang rape” or “patriarchal culture.” The press structures repetition in this way, in order to construct common sense around sexuality as if it were not deliberations *about* particular social phenomena, but as social phenomena itself.

Common sense, for anthropologist Ann Laura Stoler, can also be called “epistemic habits.” Stoler articulates epistemic habits as “steeped in history and historical practices, ways of knowing that are available and ‘easy to think,’ called-upon, temporarily settled dispositions that can be challenged and that change. [...] They produce ‘permanent momentary items of [implicit] fact.’”⁶⁹ The epistemologies that centralize colonial thinking make conventional the ideas that colonized peoples are inferior simply because “everyone knew it.” While Stoler argues that epistemic habits, products of colonialism, can be challenged, such formations still play a central role in the production of epistemologies about colonialized subjects, especially in the archives. For Clifford Geertz, “treating common sense as a relatively organized body of considered thought, rather than just what anyone clothed and in his right mind knows, should lead one to some useful conclusions; but perhaps the most important is that it is an inherent characteristic of common-sense thought precisely to deny this and to affirm that its tenets are immediate deliverances of experience, not deliberated reflections upon it.”⁷⁰ Common sense then is not a form of social reality itself, but preceptors that are available for consumption whenever such relocated images may appear. Geertz hopes to complicate

⁶⁹ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), 39.

⁷⁰ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), 75.

the various views of anthropology and its usage of common sense culture. Reading various texts by anthropologists, such as E. E. Evans Pritchard, W.W. Hill, and Robert Edgerton, Geertz argues that common sense is the product of a mind filled with presuppositions. He argues for anthropologists to scrutinize “culture” as a system that is in flux through which various common senses and counter (good) senses can be developed. Gramsci and Geertz both disavow common sense perceptions of “culture,” but argue that the development of common sense perceptions is a product of hegemonic forces.

Representing Race, Gender, and Sexuality Through Power Rape

In the 1990s, several prominent stories emerged in local St. Paul and Minneapolis newspapers that painted a portrait of what “Hmong culture” supposedly looked like. Two rape cases in the early 1990s particularly took the local media by storm. Both involved Hmong American men who raped unsuspecting Hmong American women whom they were supposed to assist in finding employment. All the victims in the case were women who were uneducated and had recently arrived to the U.S. Both cases were quarreled in courts sutured with elements of “Hmong culture” embedded in both the prosecution and defense arguments. The first case concerned New Chue Her, a twenty-six year-old, Augsburg College educated, worker at an agency designated to help refugees find jobs, who on March 14, 1990, picked up an eighteen year-old woman up from her apartment under the pretense that he was going to take her to a job interview. Instead, he drove her to a motel, threatened her with a gun, and raped her. There were attempts to discredit the victims and witnesses when Her claimed that the Hmong word “mos” was incorrectly

translated as “rape” instead of “to wrestle.” According to Michael Moua, a “cultural expert” working for the prosecution, the word “mos” can be translated to *both* “to rape” and “to wrestle,” depending on the context. Vang Pao Lee, a “cultural expert” for the defense, argued that “mos” was not translatable as “rape.” Another “cultural expert” for the prosecution, Sia Lo, argued that “mos” “certainly meant” rape.⁷¹ Her’s move suggests that there is *no such thing* as rape in “Hmong culture” and thus he could not have performed an act that does not exist. By attributing the word “mos” to “to wrestle,” Her painted a picture that was less graphic than that of the victim’s account. Rape in this instance is rendered as non-existent as to adjudicate the claims of forced sex as merely something else, consensual, or less/non-violent, otherwise. The “cultural experts” further muddled the case with their contradictory claims of whether the word “mos” meant rape or wrestle, certainly conflating the lack of linguistic description *as* the non-existence of rape.

Moreover, Her claimed that the allegation by the victim was actually a maneuver to force Her to marry her—since “sex” would inevitably lead to marriage according to Her’s claims of “Hmong culture”—or for him to pay damages to the victim’s husband for having sex with his wife. An “uncle” of the victim was even brought in to testify that in Laos, victims of rape, and the rapist himself, would both be punished by being handcuffed and be left out in the sun.⁷² This testimony was inadmissible in court, but eventually emerged, as evidence of the defense’s use of “difference” and “culture” through an “expert” of how rape cases would have been handled in a more culturally relevant framework. In this vein, the defense relied on “culture” to discredit the victim of

⁷¹ State of Minnesota v. New Chue Her, 510 N.W.2d 218 (Minn. Ct. App. 1994).

⁷² Ibid.

rape and to disavow rape as other sexual deeds, such as adultery. The prosecution called upon a Hmong American social worker, Tong Vang, to testify that in the “Hmong culture,” it was improper for women to initiate sex or intimate sexual gestures towards men. Ultimately, Her stated in court that, “In my culture, there is no such thing as rape.”⁷³ Ramsey county district judge Michael de Courcy denied Her’s motion for a new trial based on the supposed mistranslations, saying that this move was strategically detrimental to the prosecution and beneficial to the defense.⁷⁴ The prosecutor Jeanne Schlel stated in response that “This is not his country, this is our country.” While Her argued this statement by the prosecutor amounted to racism and is an invocation of racial inflammation, the court ruled that it was merely a plea to *law* rather than *culture*, not a move to exacerbate racist stereotypes.⁷⁵ Her’s misogynistic “interpretation” of “Hmong culture” intensified the common sense idea that “Hmong culture” condones or dismisses sexual violence and violence against women.

Secondly, in March 20, 1990, twenty-nine year-old King Buachee Lee, a real estate agent who taught language classes at St. Paul Technical Vocational Institute, raped two women whom he was supposed to help find jobs. The first incident occurred when a woman had contacted Lee so he could drive her to apply for jobs. They met in the parking lot at the St. Paul Technical Vocational Institute, where she entered his car. He then transported her to a motel where he deceived her that an interview was going to take place. Instead, he raped her. He threatened to kill her and her family if she told anyone about the episode. The following day, Lee called the woman to once again meet him at

⁷³ Ibid.

⁷⁴ “New Trial Denied,” *St. Paul Pioneer Press*, March 5, 1993.

⁷⁵ State of Minnesota, 510 N.W.2d 218.

the St. Paul Technical Vocational Institute or else he will execute his threats. She complied with his threats and met him the next day where he raped her a second time in his car. The second incident occurred a week later on March 26, 1990, when Lee met the first woman and a different, second woman again in the parking lot at the St. Paul Technical Vocational Institute before their class was scheduled to begin. Lee instructed the women to drive with him in his car to go and “apply for jobs.” The women refused. Instead, they followed him to a park, where the first woman fled knowing what was to happen next. The second woman entered Lee’s car, where he drove her to his house garage. She refused his commands when he ordered her to exit the vehicle and enter his house. He then physically attacked and raped her in the car inside the garage. He also threatened that he would kill her and her family if she divulges information about what had happened.⁷⁶ Both women did not report the rapes until two months later in May 1990.

Lee’s trial was lengthy and muddy. Not surprisingly, both the defense and the prosecution presented arguments that reflected and infused various aspects of “Hmong culture.” In Lee’s case, which was more lengthy and highly publicized, defense lawyers argued that the women in fact had not been raped at all, mirroring similar claims in Her’s case. Lee’s own testimony suggested that the sex was consensual and that the relationship was an “affair” that amounted to “adultery.” He claimed that the victims wanted him to marry them during their “affair.” Even the victims’ husbands believed that the victims committed adultery with Lee, and one of the husbands had physically abused his wife, the victim, for this supposed “affair.” In this vein, Lee and the victim’s husbands were in agreement that the wives were at fault in accordance to “Hmong culture” in that adultery

⁷⁶ State of Minnesota v. King Buachee Lee, 480 N.W.2d 668 (Minn. 1992).

is frowned upon, and a married woman's sexual promiscuity must be contended through a monetary payment from the spouse's lover to the husbands.⁷⁷ In an effort to discredit the victims, defense lawyers suggested that all parties drink a "curse water" which would force all parties to disclose the truth. This "curse water" was a mixture of chicken blood and water, and if consumed, the individual must be truthful in their testimonies or else suffer the consequence of death that this "curse" will inflict. The judges disallowed this move by the defense, arguing that if any of the parties refused to intake this "curse water," there would be an assumption that the individual is *not* telling the truth.⁷⁸ The conjuring of this "curse water" was exotic. Not only did it draw from mysticism, it supposedly is linked to "Hmong culture" as a way to arrive at "justice" by compelling the parties to disclose the truths.

Prosecutor Clayton Robinson Jr. argued that Lee was a liar who used his position within a "male dominated native culture that accords few rights to women" in order to take advantage of his victims.⁷⁹ They enlisted the help of Nancy Donnelly, a white anthropologist from the University of Washington who has written extensively on Hmong American women, who testified that the women were scared to report the rapes because they would compromise their reputation. She stated, "Social reputation is the only thing a Hmong woman has to sustain her. Even her own clothes belong to her

⁷⁷ In legal studies, this analysis is often performed in understanding "Hmong culture" as well, especially as it regards marriage-by-capture cases which also becomes cases of rape. See for example, Catherine Trevison, "Changing Sexual Assault Law and the Hmong," *Indiana Law Review* 27, no. 2 (1993), 394-414;

⁷⁸ Virginia Rybin, "Bid to Use 'Curse Water' at Trial Denied," *St. Paul Pioneer Press*, November 22, 1990.

⁷⁹ Conrad deFiebre, "Cultural Issues Surface in Rape Trial—Hmong Man Guilty of 3 Counts," *Minneapolis Star Tribune*, December 16, 1990.

family; her jewelry belongs to her husband.”⁸⁰ Here, Donnelly proclaimed that a Hmong American woman’s reputation is the only thing she can control, and thus it made (common) sense to not be immediately forthright in order to hold on to that reputation for as long as she can before it is inevitably tarnished, thereby leaving her with absolutely nothing. Furthermore, testimony from Ramsey County prosecutor Jeanne Schlel once again muddied the case since she was involved in the Her case. She testified that the similarities between the Her and Lee case were that both perpetrators were Hmong American men in positions of power who victimized unsophisticated Hmong American refugee women. The appeals Court found Schlel’s testimony to be “improper racial and cultural stereotyping” since the fact that the defendants were powerful Hmong American men *in and of itself* was not a “similarity” worth noting.⁸¹ This diverges from the Her case where the judge ruled Schlel’s testimony (about “this country” not being Her’s country) as not a move towards racial inflammation. Noting this prejudice is important because the prosecution also relied on racialized representations of hyperpatriarchy and hypermasculinity to paint the picture of Hmong American men as *especially* vicious because of the sanctions they receive from “Hmong culture.”⁸²

A jury convicted Lee of three counts of third-degree criminal sexual conduct. In an unexpected turn of events, the Minnesota Court of Appeals overturned Lee’s conviction based on the testimony of Schlel, which were deemed as prejudicial. However, the

⁸⁰ Ibid. It is also noteworthy to highlight the fact that Nancy Donnelly is also the author of an anthropological study of Hmong women in Washington. Leena Her has provided a critique of Donnelly’s study about her misrepresentations of Hmong women. See Leena Her, “Rewriting Hmong Women in Western Texts” in *Claiming Place: On the Agency of Hmong Women*, eds. Chia Youyee Vang, Faith Nibbs, and Ma Vang (Minneapolis: University of Minnesota Press, 2016), 3-27.

⁸¹ Virginia Rybin, “Appeals Court Overturns Conviction of Maplewood Man in 2 Rape Cases,” *St. Paul Pioneer Press*, February 4, 1992,.

⁸² State of Minnesota, 480 N.W.2d 668.

Minnesota Supreme Court reinstated Lee's sentence in a 5-2 decision. The Minnesota Supreme Court upheld Ramsey County District Judge Roland Faricy's sentence, and sentenced Lee to seventeen years and eight months in prison.⁸³ However, when Lee was momentarily freed, he hastily fled to Thailand, leading to a decade long manhunt, ending in his eventual capture in 1998. A *St. Paul Pioneer Press* article wrote that, "The Supreme Court agreed that the longer term was justified because Lee abused his positions of authority as a leader in the Hmong community and an institute tutor. He and the women are Hmong immigrants."⁸⁴ Judge Faricy stated, "This is a landmark case about the status of women worldwide, about sexual politics across cultures. I think the verdict will deliver an important message to the Hmong community as a whole."⁸⁵ In making the decision and highlighting the intricacies of the case, Chief Justice A.M. (Sandy) Keith of the Minnesota Supreme Court stated, "The whole trial is one of credibility. Do you believe the two ladies, or do you believe the defendant? It's a very unusual case. It's a very difficult case, because we're dealing with people from another culture."⁸⁶ For Chief Justice Keith, the fact that "culture" was involved in the cases made it difficult and unusual. A legal expert and chief justice would surely see this case as unusual because it highlights the limits and possibilities, with which gender, sexuality, and the law can and are not intertwined. Yet, it also suggests that Hmong Americans are ill fit for the legal system when it comes to rape because the measures which are used to determine patriarchy, misogyny, and power can be upended and determined by arbitrary and

⁸³ Virginia, Rybin, "Minnesota High Court Reinstates Man's Sexual Conduct Convictions," *St. Paul Pioneer Press*, December 31, 1992.

⁸⁴ "Warrant out for Man After Rape Convictions Reinstated," *St. Paul Pioneer Press*, January 9, 1993.

⁸⁵ Conrad deFiebre, "Cultural Issues Surface in Rape Trial," *Minneapolis Star Tribune*, December 16, 1990.

⁸⁶ Wendy Tai, "High Court Affirms Convictions in 1990 Hmong Rape Case" *Minneapolis Star Tribune*, December 31, 1992.

established measures within Hmong American traditional and U.S. legal systems.

Furthermore, legal measures are difficult because Hmong Americans exist on a different cultural terrain with which law cannot reconcile.

In both cases, “Hmong culture” was used to explain the situations by both the prosecution and the defense. The defense argued that Hmong American women cannot be raped in accordance to “Hmong culture,” whereas the prosecution argued that “Hmong culture” permits Hmong American men to commit violent rapes with little recourse for the women victims. “Cultural experts” were called on in both trials for both sides. Hmong American cultural experts and interlocutors on both sides argued that rape do *and* do not exist. Yet, the unreliability of “Hmong culture” in this case only points to the instability of Hmong Americans in the U.S. as far as the usage of culture is concerned. Her’s and Lee’s claim that rape was non-existent in the “Hmong culture” was complicated by the “cultural expert” who claimed that the word “mos” did not translate to “rape.” The “cultural expert” for the prosecution suggests that since it was not proper for Hmong American women to initiate sex with men due to gendered differences and roles, it must certainly be the fault of the man to have initiated the sex.⁸⁷ William E. Martin and Peter N. Thompson argues that the two cases were mishandled by introducing “culture” into its arguments, “In King Buachee Lee, some of the responsibility for the focus on culture may have rested with the defendant, who provided expert testimony about cultural practices in Laos. In New Chue Her, however, as noted by the court of appeals, the cultural stereotyping was initiated by the state. However, regardless of who is responsible, cultural and racial stereotyping are pernicious, harmful tactics, and the

⁸⁷ State of Minnesota v. New Chue Her, 510 N.W.2d 218 (Minn. Ct. App. 1994).

effects of such practices are felt well beyond the immediate trial setting.”⁸⁸ Of course, in the Lee case, Lee had initiated the use of “Hmong culture” to claim that the victims were lying because they only claimed rape on the grounds that it would be “Hmong culture” that would force them to marry the victims. Lee claimed this was the victims’ true motive. The courts and the media subsequently portrayed Hmong American men’s sexuality as hyperviolent. In this vein, Hmong American men are able to strategically position “Hmong culture” in ways that elide the legal aspects of rape. Their claims stem out from Hmong American heteropatriarchy which posits women as using the legal system to enact parts of “Hmong culture” for their own gains.

Why is it then that Hmong Americans and non-Hmong alike continue to use “culture” for claims to sexuality particularly in legal cases? And to what extent should “cultural difference” be used at all to explain violence, gender subordination, and sexuality? The cases and the arguments depend on the “vulnerability” of Hmong American women as subjects who do not possess agency. The rapes are more brutal when the women are indefinitely constrained through a heteropatriarchal culture. Judge Faricy defined Lee’s case “a classic example of a power rape - a man with authority and sophistication who took advantage of women who were unsophisticated and simply following the Hmong tradition of submissiveness.” Hmong American women were not deemed as subjects who have desires and/or agency, but rather are objects that are desired. The women’s turn towards U.S. liberal and judicial punishments only serves to perpetuate their statuses as hypervulnerable subjects whose safety is predicated on extreme legal punishments of their perpetrators because they have no recourse for

⁸⁸ William E. Martin and Peter N. Thompson, “Judicial Tolerance and Racial Bias in the Minnesota Justice System,” *Hamline Law Review* 25, no. 2 (2002), 258.

seeking justice to address their grievances. Furthermore, the women in the cases remain nameless. This is indeed necessary for reasons of safety and confidentiality. However, this namelessness performs the work of rendering the victims as hypervictims. It has been established that they could face backlash for speaking out against their perpetrators. Their lack of recourse is only legible and coherent through U.S. legal protection. Of course, this long portrayal of Hmong American women as powerless has existed within historical accounts of Hmong women. As Chia Youyee Vang, Faith Nibbs, and Ma Vang writes in their introduction to their book *Claiming Place: On the Agency of Hmong Women*, “For contemporary Hmong women, a combination of subordinations imposed by those with different interests—such as Hmong experiences with French colonialism in Southeast Asian, Hmong struggles against the Lao state, U.S. military violence, refugee and diasporic experiences, and institutional inequities—produces their convoluted subjectivities. This complexity is often ignored in favor of centering analyses of power relations on their more easily targetable patriarchal social organization.”⁸⁹

The question then becomes, how can Hmong American women seek recourse for gender and sexual injustice if not towards the state and the legal institution?⁹⁰ These cases expose little about Hmong American women’s choices to turn to the legal system.

Throughout the ordeal, the public never heard the testimonies of the women, and they were never quoted within the *Star Tribune* or *Pioneer Press*. Furthermore, the victims are made more vulnerable through their refugee status. The refugee status works to bolster

⁸⁹ Chia Youyee Vang, Faith Nibbs, and Ma Vang, “Introduction,” in *Claiming Place: On the Agency of Hmong Women*, eds. Chia Youyee Vang, Faith Nibbs, and Ma Vang (Minneapolis: University of Minnesota Press, 2016), ix.

⁹⁰ For another case that addresses this problem about rape and Hmong women’s choices to turn to the law, see *State of Minnesota v. Chia James Vue*, No. 606 N.W.2d 719. (Minn. Ct. App. 2000).

their vulnerability as unassimilated subjects who have no recourse to address injustice other than to turn towards the state, which, at its earliest inception, has been the apparatus that has produced and subsequently rescued the refugee subject. It also renders the women as more vulnerable than they really are because they are illiterate and incapable of understanding the aftermath of the ordeals, and inevitably as victims of their culture. However, they are simultaneously victims of the state because as refugees, they lack institutional knowledge and access to social services that may have assisted them in finding recourse after the assaults. The suggestion that is given by the journalists and the quotes from the judicial officers are that harsh sentences are deserved for abusing power and culture to inflict the shame and suffering for the victims. Thus, the women being *Hmong American* women and being *refugees* maneuvers a double vulnerability that translates to hypervictimization, most notably within law and representation. This gendered construction of hypervictimization is posited against hyperviolence and hyperpatriarchy, thus both as facets of hyperheterosexuality. I have argued in the introduction of this dissertation that Hmong refugee migration and Hmong sexuality both present problems for the U.S. in mandating normative processes for the control of its populations. These two cases of rape have been detailed by legal scholars of the failure of the justice system to address rapes in the context of Hmong Americans and “Hmong culture.” Both the racialized and sexualized notions of Hmong Americans as hyperviolent and hypervictims within immigration and sexual backgrounds are predicated within this system of difficulty of positioning Hmong refugee migration in the U.S. context. Since the courts were dealing with a “different culture,” it becomes difficult to place Hmong Americans into contexts of justice because the courts want to “consider” how Hmong

Americans themselves practice a sexual politics. However, this careful consideration of “Hmong culture” only works halfway through, because “Hmong culture” then becomes *the* site of oppression and demonization, which created the structures to materialize the rapes in the first place.

First generation and 1.5-generation Hmong American men are posited in these two cases as “educated” in the American sense. They have degrees and have jobs, which should ultimately denote successful assimilation. However, contrary to the picture of successful assimilation, the deviousness comes through in their supposed “education” which they used to their advantage in committing these crimes. Their education is not used to reinforce their understanding of American law or proper relations between teacher and student, contractor and client, etc. Instead, their “education” and “intelligence” is the access point in which to buttress their heteropatriarchal power within the “Hmong culture” in relation to sexual exploitation and male sexual gratification. Thus, the crimes committed by Her and Lee are augmented as horrendous because they sought justification from “Hmong culture” as ways to excuse their crimes. Education is presented paradoxically as a tool of power and privilege, but also of the failure to achieve education’s ideals as respectable and assimilated citizens. Instead, education represents the (almost) successful, but ultimately failed, assimilation of Hmong refugees into heteronormative, law-abiding, career driven, citizens. This ideological function in the usage of “education” as failed assimilation further reinforces Hmong American and Hmong American men’s racial difference from the civility of whiteness.

Hmong American “cultural experts” also become complicit in the racist and essentialist stereotyping and portrayals of their own communities namely through their

“expert” knowledge about the truth of sexual relations within Hmong American society. In many ways, they preserve the common sense narratives of “Hmong culture” constructed through hegemonic institutions. Stuart Hall contends that Gramsci’s common sense is complex—particularly as it relates to “cultural experts”—because they, like other minoritized subjects, acquiesce to the same racist machinations that work to culturally and ideologically incarcerate them. Minoritized subjects who supposedly perform the work of counter-hegemony within cultural relativist frameworks nonetheless inadvertently “purchase” racist ideologies in their own subjectification to common sense narratives of themselves.⁹¹ Culturally authentic figures such as the “clan uncle” in the Her case exacerbate “Hmong culture” as accepting of rape. Thus, these “cultural experts” do the ideological work of perpetuating “Hmong culture” as the starting point of violent gendered and sexual subordinations within the “cultural defense.” Legal scholar Leti Volpp has cautioned against the “cultural defense.” Using the “cultural defense” risks essentializing particular peoples and relegates acts of violence into the realm of the insular community rather than as political acts that are dialectic with the dominant society.⁹² In fact, the defense’s claims of “there is no such thing as rape” in the “Hmong culture,” and that there are no words to describe rape, and thus it does not exist, marks the “Hmong culture” as especially deviant, if not to openly allow rape, then certainly to not recognize it when it does occur. However, the non-recognition of rape does not signify its non-existence as claimed by the defense. The state and prosecution can doubly play on

⁹¹ Stuart Hall, “Gramsci’s Relevance for the Study of Race and Ethnicity,” *Journal of Communication Inquiry* 10, no. 5 (1986), 26-27.

⁹² Leti Volpp, “(Mis)Identifying Culture: Asian Women and the Cultural Defense,” *Harvard Women’s Law Journal* 57 (1994), 94. For abuse of the cultural defense, see Alison Dundes Renteln, “The Use and Abuse of the Cultural Defense,” *Canadian Journal of Law and Society* 20, no. 1 (2005), 47-67.

such claims when they argue that the “Hmong culture” certainly allows rape, or at best, create the conditions in which rape becomes ambiguous and permissible. The “cultural experts” for the defense, especially, render “Hmong culture” as a site where essentialist racist interpretations of “Hmong culture” can come to light, particularly because there *are* already common sense knowledges of “Hmong culture” as hyperpatriarchal.

Cases about rape are crucial to understanding Hmong American racialization, as they reveal the extent in which “Hmong culture” is implicated within rape, and male and female sexuality and power relations more broadly. The conflicts of rape also lay bare the tensions that arise between the “legal” and “cultural” aspects of gender and sexuality in Hmong American communities and the difficulties that they bear in relation to punishment by the U.S. state. Rape and its brutality were especially designed to make shocking headlines. Furthermore, rape has the political and ideological power to conjure devastation and disgust. It can also incite anger. When rape occurs, we may think of it as the dehumanization of one subject for the gratification of another. It is a forced extraction of power which renders the raped subject as non-human. Thus, rape plays the linguistic tune of soliciting embodied and ideological responses to particular forms of dehumanization. In the news, rape is often talked about in two distinct ways. First, rape is the result of Hmong American men’s patriarchy, often then translated to “Hmong culture” more broadly. Rape is either considered culturally allowed, or when Hmong Americans themselves want to deflect representations of their culture as complacent in rape, fall back on “cultural” explanations of gender to explain why a rape would occur. Her and Lee are legitimated as authority figures through their education in the West and

then subsequently used their “education” and “authority” to trick and rape less powerful and unsophisticated Hmong American women.

In the next section, I will read cases of gang rapes as the second distinct gendered and sexual formation. Gang rapes plagued early representations of Hmong American masculinity. Here, I argue that gang rapes already implicated Hmong American masculinity as thuggish and dangerous. In a sense, the warrior-like brutality of Hmong masculinity has a longer history within U.S. racial, gendered, and sexual politics. Rape operates in ways that entangle these categories to make known Hmong Americans as hyperheterosexual racial and sexualized subjects. Namely, rapes produce the discourse of the dangerous man of color, and in what scholars such as Pao Lee Vue, Stacey J. Lee, and Aihwa Ong has described as ideologically blackening Hmong American refugees within the same white supremacist racialization frameworks for African Americans.⁹³ While I am not arguing that there is nothing wrong with rape, or to even trivialize its violent nature, I want to examine the effects and representations of rape that implicate Hmong Americans into epistemologies of racialized gender and sexuality. Gang rape is not imbued with the “assimilatory” facets such as a Western education. Gang rapes are fundamentally born out of innate and unassimilable violence rather than meticulous insidiousness in contrast to the “educated” rapist, although both figures, and their victims, are all unassimilated subjects.

Reporting Gang Rapes

⁹³ See Pao Lee Vue, *Assimilation and the Gendered Color Line: Hmong Case Studies of Hip-hop and Import Racing* (El Paso: LFB Scholarly Publishing, 2012); Stacey J. Lee, *Up Against Whiteness: Race, School, and Immigrant Youth* (New York: Teachers College Press, 2005); Aihwa Ong, *Buddha is Hiding: Refugees, Citizenship, the New America* (Berkeley: University of California Press, 2003).

Gang rapes in the 1990s were reported much more extensively and overtly compared to power rapes. Starting in the 1990s and persisting to as late as 2015, reports of gangs raping very young girls persisted as an archetype for Southeast Asian American and Hmong American men. Gang rapes demarcated Hmong American masculinity and Hmong American femininity in ways that reinforced the hypermasculinity and hyperfemininity. In all the cases, the young age of the victims and the gang membership of the perpetrators were emphasized. Similar to that of Duggan's study of the nineteenth century "lesbian lover" murder in which the "fiend," "brute," "maniac," or "crank" appeared in news headlines, the trope of the "gang member" was rampant in the press.⁹⁴ The narratives conveyed in gang rapes follows a one-dimensional script: a very young girl was abducted, tricked, or lured to a secluded area by gang members, raped, stayed silent for some time before reporting the crimes to anyone (but ultimately faces shame even from their own family member), then the gang members were found and prosecuted. Reports of gang rapes illuminate ideas about gender and sexuality in Hmong American communities through the discursive formulations of the reporting itself. Together, weaving stories of Hmong American gang members with rape made sex and sexuality more violent, Hmong American men as more capable of such, and Hmong American women as hypervictims before and after the rapes (due to the stigmatized nature of sex within "Hmong culture").

In a notorious case in late 1997, members of a gang raped four teenage Hmong American girls—ages twelve to fifteen— after they were lured to meet the gang members in a telephone chat line. Seven men (two adults and five juveniles) were prosecuted in the

⁹⁴ Duggan, *Sapphic Slashers*, 38.

aftermath.⁹⁵ Across the country in Fresno, California, three Hmong American girls ages twelve and thirteen were raped by a Hmong American gang in a motel room. The story appeared in the *New York Times*,⁹⁶ and a subsequent *Los Angeles Times* article titled “Indictment Charges 23 Hmong with Charges of Rape” reported that a predominantly Hmong American gang called the Mongolian Boys Society were responsible.⁹⁷ Interestingly, this Fresno story also made headlines in the *St. Paul Pioneer Press* in October 1999 in an article titled “23 Charged in California Sex Case.” An officer quoted in the article states, “When these investigations are over, we will have incarcerated the major portion of the Mongolian Boys Society. But they are still recruiting, so we don't know when they'll stop.”⁹⁸ In April of 1998, a gang rape initiation was reported in the *St. Paul Pioneer Press* with Asian Crips gang member Wang Vang and three other juveniles being charged with committing crimes for the “benefit of a gang.” The *Minneapolis Star Tribune* reports with a headline “Authorities Crack Down on Asian Gang Accused of Raping Hmong Girls,” that the Asian Crips gang members knew the victims would never report the rape because rape is stigmatized in Hmong American communities.⁹⁹ In September of 1999, four Hmong girls—ages fourteen, fifteen, sixteen, and seventeen—

⁹⁵ Robert F. Moore, “Police Warn Hmong After Rapes,” *St. Paul Pioneer Press*, December 19, 1997; Robert F. Moore, “Seven to Face Charges in ‘Chat Line’ Rape Case,” *St. Paul Pioneer Press*, January 1, 1998; Lucy Quinlivan, “‘Chat Line’ Defendant Pleads Guilty, Closing Case,” *St. Paul Pioneer Press*, December 15, 1998.

⁹⁶ The New York Times article does not mention the ethnicity of the victims or perpetrators. While this may not be helpful in establishing Hmong racial and sexual images, the article does go into detail about the dangers of gang rapes and gangs itself. By striving to connect “gang” to “rape,” the article succeeds in creating the notion that gangs are ubiquitous and dangerous.

⁹⁷ Don Terry, “Gang Rape of Three Girls Leaves Fresno Shaken, and Questioning,” *New York Times* May 1, 1998; Associated Press, “Indictment Charges 23 Hmong With Series of Rapes,” *The Los Angeles Times*, October 21, 1999.

⁹⁸ Associated Press, “23 Charged in California Sex Case,” *St. Paul Pioneer Press*, October 21, 1999.

⁹⁹ Robert F. Moore, “Adult, 4 Teens Suspected of Raping Girls as Gang Initiation,” *St. Paul Pioneer Press*, April 15, 1998; Leslie Brooks Suzukamo, “Alleged Gang Leader Gets 11-Year Sentence in Girls’ Rapes,” *St. Paul Pioneer Press*, August 15, 1998; Paul Gustafson, “Authorities Crack Down on Asian Gang Accused of Raping Hmong Girls,” *Minneapolis Star Tribune*, June, 7, 1998.

went missing in Sheboygan, Wisconsin. They were found in Detroit, Michigan several weeks later. They had been abducted and raped by ten to twenty gang members, who were also Hmong American boys, called the Bloods 116. Gang rapes in Hmong American communities continued on into the 2000s and 2010s. A rape in 2000 was reported as being perpetrated at a Roseville motel by members of an “Asian gang” whose members were from the Oroville Mono boys and the Hmong Nation Society gangs.¹⁰⁰ As recent as 2009, four teenage boys, whom only one was named as sixteen year-old Toua Yang, raped a fourteen year-old girl as part of a gang initiation. Following this, reports came that nine suspects of the True Blood 22 (TB22) gang had raped a fourteen year-old in 2011. The most severe sentencing of this case was handed to twenty-five year-old Mang Yang in the form of twenty-five years in prison.¹⁰¹

Sexualized violence is made more insidious and perverse through visual representation that, I argue, is borne out of common sense epistemologies about the hyperviolence and hypervictimization of Hmong Americans. Rape, particularly an incestuous rape, was disturbingly portrayed in Clint Eastwood’s 2008 film *Gran Torino*, the first Hollywood film to feature Hmong American actors and actresses. Many argued that this was a pathbreaking visibility opportunity for Hmong Americans. Some disagreed and criticized Eastwood’s film for frolicking on stereotypes. In the film, Hmong American actor Bee Vang plays the central character Thao Vang Lor. He represents the effeminate, hyposexual, Asian American male, while the Hmong American gangbangers

¹⁰⁰ Nancy Ngo, “First Suspect Charged in Gang Rape Pleads Guilty,” *St. Paul Pioneer Press*, March 11, 2000.

¹⁰¹ Mara Gottfried, “Rape Charges Allege Gang Rite,” *St. Paul Pioneer Press*, February 25, 2009; Emily Gurnon, “9 Jailed in Rape of St. Paul Teen,” *St. Paul Pioneer Press*, March 24, 2012; Marino Eccher, “Man Gets 25 Years in Rape of Girl Who Trusted Him – Sentence is the Most Severe so Far in Case,” *St. Paul Pioneer Press*, March 28, 2013.

represent the other extreme of Asian American hyperviolence and hypermasculinity. His sister Sue, played by the actress Ahney Her, was raped by her own gangbanger cousins towards the climax of the film as a way to punish her for speaking out against and standing up to the gang throughout the film. In a conversation between anthropologist Louisa Schein and Bee Vang, they articulate:

- LS: But let's not forget that Asians are not only imaged as hyposexual ...sometimes they are other kinds of sexually non-normative, especially when it comes to being patriarchal or menacing women.
- BV: That's where the gang figures into the *Gran Torino* ensemble; and they even rape their own cousin.
- LS: The transgression of the incest taboo being one of the most nonnormative acts you can come up with, and a metaphor for all kinds of putative Asian perversity.¹⁰²

What Schein and Vang has articulated is that Asian American men are not only racialized as lacking sexuality, but rather that Hmong Americans are racialized as overly possessive. The incestuous raping of Sue by the gangbangers (and her own cousin) represents further the hyperviolence of Hmong American gangs as an extension of "Hmong culture." Sue was previously an outspoken woman whose jokes even intimidated Eastwood's character Walt Kowalski. Yet, by the end with the culmination of her rape by "the hands of men she knows well strips her of her dignity and renders her earlier invincibility a mere chimera."¹⁰³

Gang rapes are branded as even more severe and sadistic. When a rape occurs "for the benefit of a gang," the sentences are harsher and more unforgiving. The construction of masculinity and violence through a "gang member" is crucial here, as Lisa Marie Cacho articulates at length, "Gang-related crime is even classified as

¹⁰² Louisa Schein and Bee Vang, "The Unbearable Racedness of Being Natural," *Cultural Studies* 28, no. 4 (2014), 570.

¹⁰³ Louisa Schein and Va-Megn Thoj, "Gran Torino's Boys and Men With Guns," *Hmong Studies Journal* 10 (2009), 28.

belonging to a different class and caliber of violence than the very same crimes committed by nongang members [...] As a result, both how we make sense of gang membership and how we make gang violence make sense have consequences that extend far beyond actual gang members and their territories.”¹⁰⁴ Gang membership and violence then supersedes the gang members themselves into something larger. For claims of sexual violence to work, Hmong American rapists must be seen as gangs in order for the hyperviolence to be seen, felt, judged, and then prosecuted. Yet, to brand a rape as a *gang rape* means to bring into question how a subject is afforded citizenship and belonging. Cacho continues, “Suspending the demand and the impulse to disavow gang members and exclude them from our claims for justice enables us to consider how gang membership might be more than an identity and an affiliation. How can we read gang membership as a form of non-citizenship, and, along these lines, to what extent does the gang member as a social and cultural construct influence immigration legislation?”¹⁰⁵ To label a rape as a gang rape means to make the rape more monstrous, precisely because the gang member is purported to possess more prowess in their crime, and more violent, thus, hyperviolent, and hyperheterosexual.

If we follow this trail of thought, we can see that the news media clearly documented the very young ages of the victims in order to make them hypervictims. The article titles included words like “rape,” “gang,” and “girl” or “teen,” in order to sensationalize the headlines, including, “Adult, 4 Teens Suspected of Raping Girls as Gang Initiation,” “Alleged Gang Leader Gets 11-Year Sentence in Girls’ Rapes,” and

¹⁰⁴ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press), 63.

¹⁰⁵ *Ibid.*, 63-64.

“Man Gets 25 Years in Rape of Girl Who Trusted Him – Sentence is the Most Severe so Far in Case.” As I noted earlier, the construction of a violent gang member must also exist at the expense of a hypervictim. Children, girls, teenagers, and women are often good victims to which representations about violence can elicit strong responses. In the articles, the victims were mainly twelve year-old girls, one girl was thirteen, and another girl was a fifteen year-old. In the case of the missing girls from Sheboygan, their ages and gender, along with racialized ideas about “gangs” were clearly explicated to showcase their victim status, as the article suggests, “The four girls tell frightening stories about being held against their will by members of a gang called Bloods 116 who assaulted them while threatening them with guns and a leather strap.”¹⁰⁶ Perhaps it is also this reporting and sensationalizing of the brutality towards very young victims that led right-wing author Ann Coulter to proclaim, “The United States is still taking in thousands of Hmong ‘refugees’ every year, so taxpayers can spend millions of dollars on English-language and cultural-assimilation classes, public housing, food stamps, healthcare, prosecutors, and prisons to accommodate all the child rapists.”¹⁰⁷ When King Buachee Lee and New Chue Her raped their victims, the media presented them as Hmong Americans who were literate and cunning in tricking and raping recently arrived refugee Hmong American women. In an article in the *Minneapolis Star Tribune*, the prosecutors claimed, “the victims have faced extreme disgrace in the Hmong community as poor, uneducated

¹⁰⁶ Jack Kresnak and Mei-Ling Hopgood, “Wisconsin Teens Tell of Rape Ordeal,” *St. Paul Pioneer Press*, October 13, 1999.

¹⁰⁷ Coulter, Ann, *Adios America: The Left’s Plan to Turn Our Country Into a Third World Hellhole* (Washington D.C.: Regnery Publishing, 2015), 245. While most people often disregard right-wing discourse as extreme and may not represent the totality of American cultural attitudes, I want to explicate this particular passage to highlight the symptoms of an ongoing racism that permeates American society regarding Hmong American, not just in right-wing discourse, but center political discourse as well.

women pitted against an elite, financially successful college-trained man.”¹⁰⁸ In the chat line rape cases, an article quotes Assistant Ramsey County attorney Chris Wilton, saying, “A lot of these young girls who get raped are not sure if they should come forward because of the stigma that surrounds a raped Hmong woman. No longer are they ‘pure’ in the sense that they’re a virgin, which in some parts of the Hmong community is very important. We have some young girls thinking, ‘What if I come forward? I may not get married.’”¹⁰⁹ “Hmong culture” is colluded with rapes to crystallize the common sense notion that there exists a separate Hmong American insular sphere in which extreme gender and sexual norms are easily transformed into exploitation. Of course, these tropes also follow early twentieth century representations of inscrutable devious and cunning Asian American male rapists, particularly that of Filipino American men. These racialized sexual caricaturizations then promulgate the polarization of gender differences within dominant institutions and within Hmong American society.

In 2005, a five part report was published in the *Minneapolis Star Tribune* called “Shamed Into Silence.” Part one chronicled the story of an unnamed girl who was gang raped when she was twelve year-old. Members of the Asian Crip Gang transported her to Battle Creek Park and later to a park in Cottage Grove where they, threatening her with a gun, raped her. The gang members had raped her “into” their group. That is, she was initiated into the Asian Crip Gang through her rape. She was raped again at a motel a few days later. When she returned home, a female relative noticed her limping and had assumed she had sex. The relative proceeded to call her a slut. Eventually, ten people

¹⁰⁸ Conrad deFiebre, “Hmong Community Leader is Sentenced to 17 Years for Rapes,” *Minneapolis Star Tribune*, March 14, 1991.

¹⁰⁹ Quinlivan, “Chat Line’ Rape Defendant Pleads Guilty.”

were charged in her case. The authors write, “Secrecy and shame keep victims from coming forward, and authorities believe there are many more crimes undetected. So police search for possible victims.”¹¹⁰ Part two described the story about a ninety-six pound, twelve year-old, six grader named “Ka” (psyeudonym), who was drugged, pimped, and raped by various men, including a man as old as thirty-five years-old. Along with the fear that reporting the rape would lead the rapist to harm her again, the article reported that Ka was “worried that her family might demand that she marry one of her attackers, a traditional Hmong resolution.”¹¹¹ Part three recounted the story of Lynnette Hedlom who spotted a young twelve year-old Hmong American girl in her driveway. The girl had ran away from home and was raped by a gang. Hedlom wanted to call the cops, a move that the girl objected to in fear of the shame and humiliation it would bring to her. Yet, Hedlom called the cops anyways. The article explained why the victim objected to Hedlom calling the cops, stating, the “Hmong have a highly patriarchal society. Girls who lose their virginity outside of marriage are devalued; the community scorns them and their families unless the girl marries the rapist. By contrast, some families and clans will rally to protect the males accused of rape or paying for child prostitutes.”¹¹² In part four, the article goes at length to use the “culture clash” as a reason for the girls running away, the formation of gangs, the raping of young girls, and the feelings of shame. Many “Hmong experts” were quoted in the article who confirmed the “clash” between “Hmong culture” and American culture. Der Her, a volunteer coordinator with Ramsey County

¹¹⁰ Pam Louwagie and Dan Browning, “Shamed Into Silence,” *Minneapolis Star Tribune*, October 9, 2005.

¹¹¹ Dan Browning and Pam Louwagie, “Shamed Into Silence,” *Minneapolis Star Tribune*, October 9, 2005.

¹¹² Dan Browning and Pam Louwagie, “Shamed Into Silence,” *Minneapolis Star Tribune*, October 10, 2005.

Sexual Offense Services is quoted as saying, “The culture also shames females for having sex before marriage - even if they're raped. Their male counterparts aren't shamed.”¹¹³

It is interesting to note that this series used very strong language to draw the Hmong American girls as victims, doubly victimized by gang rapes, then by their own culture. A response by a reader of the “Shamed Into Silence” articles in the letter of the day, writes at length:

By and large, American Catholic families and farm families do not arrange a forced marriage after a girl is raped. Nor do they call girls sluts or say they deserved being raped. In this country, the idea that a woman or girl deserves being raped went by the wayside a very long time ago. For crimes such as these to become so widespread, a certain environment needs to be created. The victims interviewed for this article made reference time and again to the shame and blame that they would be subjected to by their families after their brutal rape. They mentioned family members attempting to force a marriage after a rape to save family honor. These are cultural factors that have helped create the current problem. As the only elected Hmong senator, Moua should be leading discussions in the Hmong community to change these undesirable aspects present in the Hmong culture. The problem needs to be acknowledged before it can be solved. If the rest of the Hmong community is as unwilling to look at these cultural realities as Mee Moua, this is a problem that will persist to the detriment of Hmong girls.¹¹⁴

The reader demonstrates that there is a straightforward way of understanding and undertaking justice for victims of these rapes. Coming back to Geertz, this is an example of common sense in that it presents a matter-of-fact explanation of cultural phenomenon. The reader points to the Hmong American politician Mee Moua as the person to lead the discussions around rape and exploitation of young Hmong American girls. As an elected official, Moua possesses both the symbolic power and legal authority to change the “Hmong community.” This is also to assume that Moua has allegiances to these specific issues, but

¹¹³ Dan Browning and Pam Louwagie, “Shamed Into Silence,” *Minneapolis Star Tribune*, October 10, 2005. This article is actually in the same newspaper, but is its own article in a later section.

¹¹⁴ Lynnae Nelson, “Letter of the Day: Culture Affects Hmong Attitudes Towards Girls,” *Minneapolis Star Tribune*, October 12, 2005. In the same editorial, an article outlines that the abuse of girls only happens in Laos, but not in America. The article exacerbates the rescue narrative indicative in its title. See “Hmong Girls Need Protection From Gangs – Families, Schools, Police and Nonprofits All Have Roles to Play,” *Minneapolis Star Tribune*, October 12, 2005.

also that Moua confines herself to only the “Hmong community” or “Hmong problems.” The white bourgeoisie common sense approach to these “problems” are for Hmong American cultural interlocutors to act on the behalf of their “own people.” It further suggests the temporal and anachronistic elements to which a community can be brought into modernity through an elected official who represents both sides of the primitive/modern divide. The reader posits this phenomenon as a “Hmong problem” only to be resolved by Hmong American officials. White bourgeoisie common sense denotes that there exists a definite and static notion of culture to which modernity is difficult, but not impossible, to achieve. Furthermore, the reader does not suggest that she herself or non-Hmong individuals or systems participate in the alleviation of these crimes. In fact, dominant media and larger institutions of power within American society lack the compulsion to stand up for rape victims in general. On the other hand, the media has depicted, but ultimately failed to make definite, the ways that legal approaches have brought justice to the victims of these gang rapes.

While my textual analysis of these readings trace the representations of the rapes of young Hmong American girls, this reader’s response indicates a wider discourse among readership that the press was able to communicate ideas of “Hmong culture” as inherently pathological. Cacho states that using cultural difference both “normalizes and abnormalizes the violent acts committed by Southeast Asian gang members.”¹¹⁵ Cacho analyzes an article in the *FBI Law Enforcement Bulletin* written by Sergeant Richard Straka, which Straka detailed the “considerable mobility” and apparent ubiquity of Hmong American gang violence. Straka goes on to explain that some girls may end up staying with the gang, which Cacho argues as painting Hmong American girls and

¹¹⁵ Cacho, 84.

women as passive in their own victimization. Furthermore, Cacho sees Hmong American women's victimization through the two lenses of cultural difference and social deviancy.¹¹⁶ Indeed, by explaining Hmong American girls' and women's decisions to stay with their rapists or even "joining" their gang due to shame, this discourse ironically perpetuates its own violence. While trying to blame "Hmong culture" as the source of their shame and difficulty of speaking up, the media and professionals offer no help to the girls themselves. Furthermore, they are perpetually illustrated as victims, by "Hmong culture," and inadvertently, by the dominant institutions like media and law. The expenditure of the "culture clash" model is then manipulated to render the problematics of rape as a private matter, rather than a social matter. As Lisa Lowe writes, "the reduction of the cultural politics of racialized ethnic groups like Asian Americans, to first-generation/second-generation struggles displaces social differences into a privatized familial opposition."¹¹⁷ It becomes a problem that must be dealt with by Hmong Americans themselves, rather than by society as suggested by the opinion sent in by the reader in the *Minneapolis Star Tribune* above. Thus, this argument for insular reform within the *Shamed Into Silence* series bears no responsibility for rape victims in general, and offered no alternative explanation for gendered violence other than the cultural difference of a ethnic minority group.

Nowhere in the articles do they mention whether the victims received justice. The perpetrators were charged and sentenced to long prison sentences while the victims are perpetually living in shame. The focus on the carceral sentences of the perpetrators is

¹¹⁶ Ibid., 90.

¹¹⁷ Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham: Duke University Press, 1997), 63.

used to sensationalize punishment rather than gesture towards justice. In fact, Hmong American girls' victimization is exacerbated by their status as "runaways." In the same article that appeared in the first installment of *Shamed Into Silence*, Hmong American girls are posited as runaways in order to explicate the conditions of their rape. The article states, "In traditional Hmong households, girls stay home, care for siblings, cook and clean. But in the United States, these girls sometimes rebel. They yearn to do what their American friends do, they say—go to the mall, go to the movies. Many girls run away." The namelessness and facelessness of the victims means these victims are forever invisible because they continue to be relegated to the background of this sensationalism. Their suffering is heightened, but their humanity and lives are never revealed. Bic Ngo writes here that the *Shamed Into Silence* series highlights the "culture clash" model of Hmong and immigrant identities by emphasizing the intergenerational conflicts between Hmong children and their parents.¹¹⁸ Ngo's explication of the culture clash that is apparent in the series also makes visible the fact that no alternative explanation is given for why Hmong American girls might become runaways besides cultural difference.¹¹⁹ I would add that the intergenerational conflict is important as it is used to justify the hypervictimization of Hmong American girls in racialized, gendered and sexualized ways. Cacho helps us here to understand that youth who come from refugee families are

¹¹⁸ Bic Ngo, "Beyond 'Culture Clash': Understandings of Immigrant Identities," *Theory Into Practice* 47, no. 1 (2008), 4-6.

¹¹⁹ Studies are unable to determine the many reasons for Hmong American girls and teenagers run away from home. Laurel Edinburgh, Elizabeth Saewyc, Tru Thao, Carolyn Levitt determined that Hmong girls and teenagers become runaways at higher rates than their non-Hmong peers. See Laurel Edinburgh, Elizabeth Saewyc, Tru Thao, and Carolyn Levitt, "Sexual Exploitation of Very Young Hmong Girls," *Journal of Adolescent Health* 39 (2006); Cheryl Lynn Scott determined that intra-familial sexual assault is very rare in Hmong American families, and the reasons may have more to do with wanting to "have fun" or escaping traditional family roles. See Cheryl Lynn Scott, "Understanding Gang Rape and Forced Prostitution: A Victim's Perspective," Ph.D. diss. (Alliant International University, 2002).

more sympathetic because they do not possess the power to change their conditions of being refugees.¹²⁰ Refugees are deemed as helpless in certain instances, and racially primitive and unassimilatory in others, yet both paradigms of the refugee perpetuate Hmong Americans as perpetually different. Furthermore, it presents a narrative where a rescue mission is plausible and logical because the girls are refugees. Hmong American girls are paradoxically stigmatized as runaways, despite attempts to “help” them receive justice. The violence becomes visible but their names and the justice that they need are not disclosed. The *Shamed Into Silence* series ironically *silences* and expunges the humanity of the victims by producing them as hypervictims through their shame and their young ages.

The Hyperheterosexuality of Culture

At a time when Hmong Americans are making headlines, reporters and community members turn to “Hmong culture” as a means to understand the gendered and sexual relations that undergird sexual violence in Hmong American communities. While certainly criminal and illegal, stories of rape have taken on a new life of its own beyond the legal. I posit that there exists a notion of Hmong hyperheterosexuality within the public sphere. What I call hyperheterosexuality is similar to what many scholars have described as hypersexuality. Popular understandings of hypersexuality may denote the condition of displaying strange, unwarranted, and excessive sexuality activity. Yet, within representation specifically about Asian American women, Celine Parreñas Shimizu asserts that hypersexuality is “a form of bondage that ties the subjectivity of

¹²⁰Cacho, 82.

Asian/American women.”¹²¹ Media representations of Asian American women as sexually available have dominated mainstream discourse at least since the nineteenth century. Asian American women are posited as existing within tropes such as the docile archetype of “lotus blossom” or dangerous “dragon lady.” In either case, both archetypes are subsumed under sexual availability to be actualized and consumed by larger audiences, especially white men. Asian American men, on the other hand, have been historically emasculated or hyposexualized. Asian American male emasculation has become so prevailing to that which its hyposexuality is commonsensical in popular discourse. On gay dating and hook-up apps such as Grindr or Jack’d, Asian American men are often seen as undesirable because they lack sexual appeal, with phrases such as “No Fats, No Femmes, No Asians” written on user profiles. Most oftentimes, these users justify such phrases as a “personal preference” as if sexual attraction is a matter of self-evident taste rather than a systemic dehumanization based on race. My contention in laying the groundwork for hypersexuality and hyposexuality is to address how Hmong American sexuality is situated within larger narratives and discourses surrounding Asian American sexuality. Hmong American sexuality is racially polarized, but diverge from the gendered and sexual racialization constructed within early Asian America. This outlier complicates Asian American sexual representations and makes evident the competing images that shape our critical thinking and ideological awareness regarding gender and sexuality. Representations of Hmong American sexuality are then hyperheterosexual in the sense that it encompasses elements of hypersexuality and hyposexuality within heterosexuality. Yet, the *hetero* of sexuality is emphasized to

¹²¹ Celine Parreñas Shimizu, *The Hypersexuality of Race: Performing Asian/American Women on Screen and Scene* (Durham: Duke University Press, 2007), 6.

denote a form of sexuality that exists beyond the bounds of normative hetero(sexuality).

Sex in Hmong American societies is depicted through hyperheterosexuality within both male and female gendered renderings. Hyperheterosexuality in dehumanizing ways include the sensational images of very young victims and very violent men who commit very violent sex crimes. Furthermore, the contradiction lies in the very heart of how Hmong Americans respond with sex and other matters concerning sexuality in and outside of marriage. Pre-marital sex is resolved through the parties marrying one another, extending hyperheterosexuality into the realms of very young children being forced into marriages. In hypersexuality, Asian American women are deemed as sexually available, yet also gives them the “agency” of controlling their sexuality for their own gains, although this “agency” is problematically portrayed as being cunning or deceiving. This is particularly true for the trope of the “dragon lady” who is both sexual and powerful. However, Hmong American girls are never afforded this “agency” of controlling their sexuality. Young Hmong girls the age of twelve and thirteen do enter into (although the question of whether they “can”) sex and marriage in Southeast Asia and the U.S. However, these cases are deeply complex as to whether they are “consensual” are never reported as acceptable conditions of living and practicing sexuality. Instead, the immediate translation of such relations are that of force, presumably by the “Hmong culture.” Even the victims in the cases of power rape are not afforded this sexual “agency” in their renderings as illiterate and recently arrived refugees. Hyperheterosexuality deems that Hmong Americans are seen in light of hypersexual violence and sexual failures. Hmong American girls are represented as hypervictims whose sexuality is not casted as a willing one, but one that is unwilling, although it is

extracted anyways. In the cases of power rape, rape is never defined *as* rape, but as adultery. Having sex and being raped are conflated as being the same when they are legally and ethically different. The other form of hypersexuality within Asian American women concerns the “lotus blossom.” Here, the Asian American woman is highly docile. Her docility is exacerbated by her *willingness*—inherent or otherwise—to serve the sexual interests of men. As problematic, racist, and sexist as such representations are, neither of these portrayals purport hypervictimhood upon Asian American women. The violence done through these stereotypes are ideological and imaginative which certainly manifests as microaggressions and overt racial violence within the everyday life. Louisa Schein, Va-Megn Thoj, Bee Vang, and Ly Chong Thong Jalao have argued regarding the film *Gran Torino* that the rape of Sue in the film represents this sort of fashioning of Hmong American women’s sexual subjecthood. They read Sue as initially appearing as asexual. However, the scene where Sue encounters the black “thugs” on the street signals the beginning of her sexualization process. Her concluding rape by the hands of her own kinsmen continues the work of her sexualization which began with the black men and ends by Hmong American men. Schein, Thoj, Vang, and Jalao states, “This complementarity arguably blackens the Hmong gangbangers, aligning them with their African American seniors in sexual predatorship against women of color.”¹²² The hyperheterosexualization of people of color in general, and Hmong Americans in particular, follows the dominant images of black, and Latino men, who offer up accessible common sense information in which to make sense of newcomers and refugees like Hmong Americans.

¹²² Louisa Schein, Va-Megn Thoj, Bee Vang, and Ly Chong Thong Jalao, “Beyond *Gran Torino*’s Guns,” *positions: east asia critique* 20, vol. 3 (2012), 799-781.

Hmong American women and girls are represented within the common sense imagination as perpetually unwilling victims who are refugees, unsophisticated, and most importantly, stuck in a hyperpatriarchal culture. The anomaly lies in the instability of legal interpretations of consensual sex. Press articles and the legal system have difficulties pinning down the line of consensual and non-consensual sex when Hmong Americans are deemed as always regarding all sex as consensual, or at least that there is no conception of consent at all. Then, to force a marriage upon a victim when there is an instance of rape adds to the detriment and complexity of bringing justice to individuals who are victims of sex crimes. The connotation of hyperheterosexuality here means that, in the words of Parreñas Shimizu, the bondage which connects the subjectivity of Hmong American women exist within a subjectivity of *victimhood* and invisibility. It is the unwillingness and unconsentingness of Hmong American women's sexuality within rape that constitute their sexual subjectivity. Parreñas Shimizu seeks to give agency to Asian American women who take on roles within representation that many would regard as degrading or misogynistic. However, there is no room within the news media reports or legal cases that would allow for a reading of any agency for Hmong American girls and women who were raped.

Furthermore, this fantasy-production of Hmong girls as perpetual victims fabricates a form of "perverse innocence." That is, Hmong girls' vulnerability is conflated with a notion of innocence. Their rape and dehumanization condoned through culture is a violation of their innocence, which binds their subjectivity to that of a lack of sin, guilt, or perversity. The bondage of innocence asserts itself to that which Hmong American girls and women must follow scriptures of innocence and diverge from sexual

perversity, including adultery and running away. While the highlighting of the hypervulnerability is used to call out the patriarchy of the “Hmong culture,” it comes at the expense of Hmong American girls and women as bearers of the “truth” of purity. When girls *do* run away, or when women *do* pursue sexual activities outside the boundaries of marriage, their sexual liaisons are purported as violating the norms of virtue, leaving no alternative alterities for sexuality outside this perverse innocence. The discourse of hyperheterosexuality is not malleable in this sense of offering alternative readings to gender and sexuality beyond perverse heterosexuality and polarized gender differences.

These representations are powerful and everlasting, and shape the very ways Hmong Americans imagine themselves within the U.S. In this way, the discourse of hyperheterosexuality produced through institutions of power can implicitly and explicitly compel and demand that minority subjects acquiesce to its power. Discourses of hyperheterosexuality shape the projection of Hmong American belonging by ascribing an ideal of heteronormativity that is not hyper or excessive, but contained and respectable. Hyperheterosexual representations command a move towards normalization that bolsters legal/state apparatuses and dominant compositions of normative gender and sexuality as intrinsically superior. The scripts of hyperheterosexuality are translated to Hmong American subjectivity where women and girls, boys and men, are mandated to disavow these so-called “bad” sexualities in favor of more normative and respectable sexualities. It does not allow for a transgressive and perverse sexuality to underline the lives of people of color unless people of color are to be subjected to controlling images and legal contraptions that simultaneously work its power to render fundamental their cultures as

pathological.

Because hyperheterosexuality is deemed as violent, criminal, and deviant, some could, however, argue that it also unleashes its violent nature onto gay innocence. In a neoliberal and liberal multiculturalist era where gayness is increasingly seen as “normal,” hyperheterosexual cultures are considered especially intolerant of homosexuality. This portrayal has given rise to the notion of Hmong American conservatism and intolerance towards homosexuality, lending to another narrative facet of hyperheterosexuality, that of hyperhomophobia. I argue that these extremist renderings preclude Hmong Americans of queerness and other non-heterosexual sexualities, something I elaborate further in chapter four. In U.S. mainstream cultures, Asian American men are emasculated to the position where Asian American sexualities are either read as gay or effeminate. Asian American men have longed sought to refashion themselves into masculine subjects vis-à-vis white heteromasculine logics of conquerhood and female domination. In calling for a more ethical manhood, Parreñas Shimizu has argued that Asian American men should not emulate the heterosexist and heteropatriarchal structures of hegemonic white masculinity. Instead, she calls for an embrace of queerness and effeminacy within a sexuality of anti-conquerhood.¹²³ This presents an anomaly as Hmong Americans are already represented not as effeminate, but hyperviolent and hypermasculine. For hyperheterosexuality to deploy its imaginative and ideological powers, it must be situated within Hmong American warriorhood that is already contemporaneous for Hmong American masculinity. Since queerness and queer/gay sexualities are not imaginatively supplanted within Hmong American gender and sexual constructions, it precludes

¹²³ Celine Parreñas Shimizu, *Straightjacket Sexualities: Unbinding Asian American Manhoods in the Movies* (Stanford: Stanford University Press, 2012), 3-5.

homosexuality/gayness by providing another abjection in the form of hyperheterosexuality through hyperviolent heterosexuality and hyperhomophobia.

Bee Vang, the actor Thao from *Gran Torino*, has written about Hmong Americans' lack of situatedness within Asian American male emasculation, into the realm of an equally sinister soldierhood. He argues that Hmong Americans are not a "third world" people, instead are "Fourth World" subjects because of the historically absence of a Hmong nation-state. Hmong Americans as refugees are eviscerated from the nation in ways that condense them not as foreigners who do not belong, but as refugees who need to be rescued from pathological sexual cultures. He writes, "the immiserated Fourth World is strangely both butch and constitutive outside, in a twisted way registering as lack in an Asian American context that has normalized the perversely sexualized and femme gendered as the space of model minority Asianness. In America, the deal we are offered is inevitably classed: we get to be tough men through demonized street gangs and guns. It is because it is possible for me to dodge this Hmong cliché by passing as non-Hmong Asian that I see through to unravel the antinomies of a Hmong/Asian masculine body that is and is not mine."¹²⁴ Hmong Americans are then separated from Asian Americans through not a *lack* of sexuality, but an overabundance of sexuality, both ideologically rendered as non-normative, in the case of the Hmong American criminal and deviant. It is only when Vang passes as a non-Hmong Asian American in New York City that he realizes the double bindness of being both Hmong American and non-Hmong Asian American, as both lacking and overabundant, a

¹²⁴ Bee Vang, "Hmong Butch: The Antinomies of Being Fourth World," *The Feminist Wire*, March 12, 2013, accessed July 23, 2013, <http://www.thefeministwire.com/2013/03/hmong-butch-the-antinomies-of-being-fourth-world/>.

subjectivity that binds him to these power relations of racialization and sexualization.

Thus, we may ask, how can one subvert this transcription of sexuality for an ethical and meaningful embrace of queer sexuality *and* masculinity?

The discourse on Hmong Americans have relied on elements of incongruence. Refugee migration is anomalous in that refugees are posited as unable to adjust properly to their host countries. The case of Leonard Kaplan, the rape cases of New Chue Her and King Buachee Lee, the gang rapes, and *Gran Torino* are simultaneously constructed as oppositional within the paradigms of primitive/modern, law/culture, hypermasculine/hyperfeminine, hyperviolence/hypervictimization. I am arguing here that while the news media and legal constructions of Hmong American gender and sexuality within the public sphere have permeated the social, there are ways that common sense and hegemonic consciousness can be in flux. What I have tried to expound in this chapter is to show that Hmong Americans as refugees are already out of place within the U.S. context through their inassimilability. The discussions of Hmong American backwardness have been articulated within racial terms (i.e. as a racial problem). However, I hope to shift the conversation towards explicating and naming gender and sexuality as the nexus and interstices of Hmong American racial formation and common sense knowledge production. Hmong American racial, gendered, and sexual constructions work together when we consider that Hmong Americans as refugees are also about Hmong Americans as non-normative sexual subjects. Their status as refugees and hyperheterosexual subjects presents anomalies for the state and legal systems, which remain unresolved, but nonetheless are not considered “agentic” or “resistant.” Rather, the difficulty of placing Hmong Americans into modern judicial systems is rendered as

non-assimilation and primitive.

Hyperheterosexuality at large remains a fictitious discourse, but one which carries with it serious consequences for racialized others. It remains a system of ontology that allows for common sense ideologies about who is and is not a criminal and citizen, and what is and is not an aberrant sexuality. This system of ontology and epistemology is racially coded, and posits Hmong Americans as opposite of “actual” Americans. Hmong American girls are perpetual victims that while facing a multiplicity of vulnerabilities, positions their main subjugation within a culture of hyperheterosexuality. Hmong American men then are perpetual warriors, who become gangsters, and those who are “educated” are nonetheless unassimilated. This ontological system of a perversely racialized gender and sexuality bourgeons within multiple dimensions, across various social fields. These images continue to proliferate at this moment as evidenced by Kaplan and *Gran Torino* in helping to create knowledge about Hmong Americans as hyperheterosexual subjects who differ from other Asian American racial, gendered, and sexual formations. My main contention in detailing an examination of this discourse of hyperheterosexuality is to foreground its power in underscoring how Hmong Americans have been dehumanizingly racialized, gendered, and sexualized through their status as perpetual refugees in order to aggravate their supposed gender irregularities. The discourse of hyperheterosexuality operates to create and craft Hmong American gendered and sexual subjectivities, and functions as grounds for political, activist, and counter-hegemonic work.

Chapter 2

Sex (Wars) Among Us: Hmong American Struggles Over Hyperheterosexuality

In 1998, Maykao Y. Hang, Project Director of Hmoob Thaj Yeeb, Ying Vang, Executive Director of Lao Family Community of Minnesota Inc., Ly Vang from the Association for the Advancement of Hmong Women in Minnesota, and Paciynz Lyfoung, Executive Director of Asian Women United of Minnesota, penned opinion letters in the *Asian American Press* condemning recent brutal assaults of several young girls in the 1998 chat-line rapes. Hang commended the girls on their courage divulging the violence they had endured, as she writes, “You are doing the right thing to talk about the rapes, and there are those in the Hmong community who believe you and your stories. Indeed, it is a great tragedy in our Hmong community that rape and sexual violence happens and often goes unreported to the authorities.”¹²⁵ Ying Vang and Ly Vang’s opinions were shorter, with a call to ending violence in Hmong American communities, with Ly Vang’s urging, “A terrible violation has occurred. Brutal sexual assault is considered by some to be no matter for public discussion. That’s the old way. We are in America now. We are here to stay. We are Americans. American women enjoy a level of respect and privilege that is the effort to identify and arrest any person who may bear some responsibility in this matter.”¹²⁶ Lyfoung’s response was the most nuanced and multifaceted. She

¹²⁵ Maykao Y. Hang, “Rape is Always Wrong, Regardless of the Circumstances,” *Opinion, Asian American Press*, January 6, 1998.

¹²⁶ Ying Vang, “From Ying Vang, Ececutive Director, Lao Family Community of MN, Inc.,” *Opinion, Asian American Press*, January 6, 1998; Ly Vang, “Official Statement Regarding the Arrests of

expressed her anger, but cautioned the larger public not to simply blame the evilness of the gang members or demonize the peculiarities of “Hmong culture.” Lyfoung outlined the many interrelated structures of power that work to render the girls vulnerable, including teenage disillusionment with friends, Hmong and American cultural messages about love, victim blaming in Asian cultures, and the fearfulness that Asian people have regarding police and legal systems. Lyfoung concludes, “The ultimate challenge that is so simple and yet so hard to achieve is to build a society where girls can grow up not to be vulnerable victims and boys can grow up not to be senseless criminals.”¹²⁷

The quotes above connect Hmong Americans’ struggles to “speak out” against gender and sexual oppression to ongoing community transformation. Furthermore, their voices represent efforts at providing redress for victims of sexual assault that will lead to restorative justice. The varying degrees of culpability that rests on notions of “Hmong culture” and “American culture” in the opinions directs us towards the multifaceted understandings of how Hmong Americans have understood and responded to gender and sexual exploitation in their communities in the context of American belonging and modernity. While their specific concerns were related to gang rapes (seeming responses to the discourse of hyperheterosexuality outlined in chapter one), their critiques illuminate a larger gesture towards Hmong American communal struggles over how they themselves should respond to gender and sexual violence in the struggle for restorative justice. The previous chapter details the dominant characterizations and essentialisms of a

Persons Suspected of Involvement in Recent Rape/Assaults of Young Hmong Women,” *Opinion, Asian American Press*, January 6, 1998.

¹²⁷ Pacyinz Lyfoung, “Commentary on the telephone-rape crimes, by Pacyinz Lyfoung, Executive Director, Asian Women United of Minnesota, an agency striving to end violence against Asian women and girls and which promotes Asian women’s issues,” *Opinion, Asian American Press*, January 6, 1998.

discourse of a hyperheterosexual culture crystallized through the sensationalisms of power and gang rapes in Hmong American communities in the 1990s. This chapter details the ways Hmong Americans have subsequently engaged hyperheterosexuality through their advocacy within their own communities to work towards gender and sexual reform and restorative justice.

The women above are advocates who were afforded platforms to “speak out” against crimes that have persisted in Hmong American communities. Gang rapes of very young girls and the alleged complicity of the “Hmong culture” in sanctioning these crimes is just one facet of the discourse of hyperheterosexuality purported by dominant institutions such as media and law. Because hegemonic representations suggests the connivance and condoning of gender and sexual subordination within “Hmong culture,” Hmong Americans have chosen to undertake communal reform in response to these representational violences in their own communities that does not link “Hmong culture” to “criminality.” The mid 1990s to late 2000s saw a movement of discourse that moved Hmong Americans towards a more socially just vision around gender and sexuality while wrestling to revise their representations. While I open up this chapter with the writing of Hmong American women who are speaking out against gang rapes, I will focus the rest of the chapter on the issues that are rendered most prominently within hyperheterosexuality found within Hmong American discourse: polygyny and abusive transnational marriages.¹²⁸ This metaphor of “speaking out” is significant because it

¹²⁸ I am using the word “polygyny” instead of “polygamy” to demonstrate that it is a man who marries multiple wives and not vice-versa. Hmong and non-Hmong alike rarely discuss or debate polyandry, the act of a woman marrying multiple husbands. There are in recent years, Hmong American women who are participating in transnational marriages. This phenomenon remains unexplored within academic literature

denotes the difficulty of addressing gender and sexual oppression among Hmong Americans while simultaneously divulging intragroup tensions to the dominant class. Hmong Americans “speaking out” enacts a two-sided maneuver in resisting racist representations of the “Hmong culture” as complicit in gender and sexual subordination while addressing the violence of hyperheterosexuality on their own terms. Precisely, the terms significant to Hmong Americans are divorcing “Hmong culture” from common sense understandings of hyperheterosexual criminal violence. Of course, these issues are also not entirely divergent, as they concern the location of “culture” within gender and sexual exploitation. The notion of “speaking out” is ironic because it centralizes “speaking” or even its extension of “writing” as elements of Hmong Americans’ advocacy. It is true that speaking out against gang rapes, sexual violence, and gender subordination in general is powerful. However, what interests me is how Hmong Americans negotiated the cultural, moral, legal, and political dimensions of various hyperheterosexual discourses in different realms of cultural production, writing, and advocacy that together works to provide restorative justice for subordinated subjects. Thus, in this chapter, “speaking out” denotes Hmong Americans engaging in and bringing forth a sexual-cultural politics.

The counter-discourse around polygyny and abusive transnational marriages since coming to the U.S. highlights how Hmong Americans have debated and contested what form of gender and sexual reforms they envisioned for their communities. That is, polygyny and abusive transnational marriages represents heightened visibility within hyperheterosexuality that make for the ongoing conversation that Hmong Americans

and popular discourse. Thus, polygyny correctly captures the phenomenon of multiple marriages, which is subsumed under the larger term “polygyny.”

have among themselves about how to articulate Hmong American “sexuality” and “culture” within the U.S. context. Moreover, there is an underlying assumption that “Hmong culture” is at the root of such formulations of sexualities, which acquiesces polygyny and abusive transnational marriages to materialize and persist despite its general illegality and “immorality.” Subsuming such formulations within “culture” allows the discourse to proliferate among dominant institutions that Hmong Americans are simply passive subjects within a static system and culture “that have always been.” This leaves invisible Hmong American players who have long challenged each other regarding gender and sexual asymmetry and exploitation. Hmong Americans have comprehended and engaged in political contestations around the heterogeneous meanings of what is acceptable gender and sexual displays, intimacies, and equality within the West, but most importantly, within Hmong American social life.

Following but ultimately diverging from the previous chapter, Hmong Americans have addressed issues of gang violence and rape crimes in their communities as seen in the opening opinion pieces, but they have sought out the issues of polygyny and transnational marriages as another central concern related to hyperheterosexuality. The decisions to focus on polygyny and transnational marriages rather than directly responding to marital, power, or gang rapes within Hmong cultural productions means Hmong Americans needed to enact agency in defining their own “problems,” rather than submitting to the “problems” of “Hmong culture” defined by dominant institutions. As Hmong Americans began discussions amongst themselves about polygyny and abusive transnational marriages, other topics that are directly and indirectly linked to these two issues also emerge. For example, polygyny and abusive transnational marriages often

involve very young brides, and thus, Hmong Americans have extended their caution and critique to early, teenage, or “underage marriages” more generally. I contend that Hmong Americans indirectly allude to these earlier accusations of Hmong cultures of gender and sexual subordination through other means that critique their skewed representation. Editorials and articles in Hmong American ethnic-based newspapers and magazines reveal the discourses Hmong Americans are engaging in amongst themselves about how to live in the U.S. as a respectable, but also culturally unique, polity.

My aim in this chapter is to challenge the very narrative of Hmong Americans as lacking a sexual cultural politics while highlighting the difficulties and fraughtness of addressing a gender and moral reform within ethnic communities. Furthermore, I aim to pluralize Hmong American sexual politics beyond “culture” to include the ways Hmong Americans have engaged each other in “sex wars.” This maneuver positions the attitudes and responses to gender and sexuality as not simply cultural, but also *political*. This aim is in conversation with the cue of what Lisa Duggan and Nan Hunter have described in *Sex Wars: Sexual Dissent and Political Culture*. For Duggan, sex wars are “a series of bitter political and cultural battles over issues of sexuality, [...] battles over the regulation of pornography, the scope of legal protections for gay people, the funding of allegedly “obscene” art, the content of safe-sex education, the scope of reproductive freedom for women, the extent of sexual abuse of children in day care centers, the sexual content of public school curricula, and more.”¹²⁹ Hmong Americans are having sex wars within their own communities that suggest a vibrant political discourse not (yet) translated to academic scholarship. “Wars” is also a useful analytic precisely because of the legacy of

¹²⁹ Lisa Duggan, “Introduction,” in *Sex Wars: Sexual Dissent and Political Culture, 10th Anniversary Edition*, eds. Lisa Duggan and Nan D. Hunter (New York: Routledge, 2006), 1.

the Secret War to Hmong Americans. The Secret War within the American wars in Southeast Asia have provided a legacy that now shores up newfound cultural politics around gender and sexual modernity for Hmong Americans as refugees. In this vein, “sex wars” offers itself as an extension of the American wars in Southeast Asia. These internal discourses about reform and restorative justice strangely align with, but also diverge from dominant representations of Hmong Americans in the sense that they too invoke “culture” as sites of gendered and sexual oppression. Lastly, Hmong American contestations around gender and sexuality challenge the dominant common sense knowledge of Hmong Americans as possessing a uniform and stagnant hyperheterosexual culture.

To be clear, there exists sexual moral Christian and ethnic nationalist conservatism among Hmong Americans. However, I challenge the claim that Hmong American society as a whole is sexually repressed with no sexual discourse. This is an attempt to counter the common sense narrative of conflating all Hmong Americans together as possessing a monolithic hyperheterosexual culture and ideology. Furthermore, I want to suggest what Gayle Rubin calls a “sex positive” politics in examining Hmong American sexual cultural politics.¹³⁰ This is not to invert the dominant narratives of Hmong Americans as inhibiting gender and sexuality in community discussions, nor is it to say that Hmong American society is “actually” sex positive. Rather, gender and sexual politics in Hmong American communities exists within the complex and contradictory messages of sexuality that have been the subject of debate for decades within American society. Hmong Americans themselves have positioned gender and sexuality to align with

¹³⁰ Gayle Rubin, “Thinking Sex: Notes on a Radical Theory of Sexuality,” in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carol S. Vance (Boston: Routledge, 1984), 267-319.

competing discourses of tradition and modernity within liberal and neoliberal societies. Anxieties about Hmong American conservatism within liberal frameworks of sexual freedom suggests that while Hmong Americans are not accepting of so-called “sexual diversity” and “sexual freedom,” they are simultaneously not “normal” within free-choice, legal, heterosexual, monogamy.

Yet, what dominant constructions of “Hmong gender” and “Hmong sexuality” do not take into consideration is the plurality of Hmong American communities and their relationships to sexuality. When “plurality” does come into play, however, it is often within the framework of “generational gaps” whereas more elderly sectors of Hmong American society is represented as “stuck” within cultural primitivity and the younger sectors within American cultural modernity. Common sense considerations of the sex wars also posit the uncritical binaries of men versus women, gay versus straight, etc. This postulation is most certainly true for Hmong Americans. Furthermore, a discourse of “freedom” frames Hmong American gender and sexual plurality as women who seek liberation from a heteropatriarchal culture. Both frameworks supposedly unsettle Hmong American homogeneity, but simultaneously render Hmong Americans within binary measures of primitivity versus modernity and anti-liberal versus liberal systems of thought.

What I suggest here, and what Foucault has articulated in the *History of Sexuality*, is that there needs to be a rethinking of gender and sexuality within Hmong American communities. In his text, Foucault questions the supposedly “repression” of sexuality. The repressive hypothesis suggests that sex has since the eighteenth century been relegated to the private realm of social life, to which pleasurable sex acts and non-normative sex are socially disavowed. Furthermore, for those whose sexual impulses are

released are often within confessional arenas. Sex then becomes “radical” in the sense that since we are not supposed to talk about sex, talking about it then is somehow revolutionary. In line with Foucault, I advocate thinking outside of “repression” as the primary mode of seeing sexuality.¹³¹ It is essential to not confine conversations and discourses of sexuality to repression, which oftentimes is aligned with frameworks of primitivity/modernity. When “repression” is defined in the terms of prohibition and blatant renunciations of sex acts and sexual desires, then what we miss are the ways that sex acts and desires are implicitly permitted, discussed, or proliferated. Moreover, the search for sex should lie not in its overt articulations, but in those in-between spaces where meanings about sex are relayed and transmitted tacitly. This is not to say that Hmong American society should be essentialized as “sex-positive” or that gender and sexuality exists within a different cultural realm. Rather, that to view Hmong American society only in sex-negative, repressed, and lacking terms is limiting to how Hmong Americans themselves operate to form discourses on gender and sexuality within capitalist modernities that otherwise are not sex-negative.

What I demonstrate in this chapter are the ways Hmong Americans are actively and tacitly suggesting towards a plurally sexed society that problematizes dominant representations of Hmong American hyperheterosexuality. Yet, what I propose is that what is “Hmong gender” or “Hmong sexuality” is never an essentialized concept. Instead, Hmong Americans themselves invoke both law and culture as sites where meaning is constructed to make sense of sexual moralities and subjectivities. As I have already articulated, there do exist sexual moral conservatism and sex negativity within different

¹³¹ Foucault, *The History of Sexuality*, 25-35.

sectors of Hmong American societies. What I am suggesting is that to view gender and sexuality within Hmong American communities in purely repressed terms preclude the possibilities of Hmong American sexual agency and the myriad contradictions that Hmong Americans are warped within Western and global powers around modernity and belonging brought forth by refugee migration. Refugee migration and conversations are entangled precisely because of the ways modernity is brought to bear on refugee subjects. For refugees, the continual being of “coming” into modernity is in essence the impression within refugee policy. The rehabilitation of the refugee subject within social work and health science studies, for example, suggests that the physical and emotional trauma and violences within the refugee must be explicated in order to rescue the refugee subject. The process of healing then is the “beginning” of the refugee becoming a citizen through emotional, physical, and psychic rehabilitation into citizenship. Oftentimes, this includes the stripping and forgetting of the supposed “bad” elements of refugees, may it be the scars imprinted from war, or the culture of primitivity present within refugee and migrant subjects. Because gender and sexuality plays major roles within belonging, some Hmong Americans have adopted ideologies of modernity in which supposed “backward” sexualities, sexual formations, and sexual conjugalities must be discarded, such as to discard the refugee label, in order to belong in the nation as model and respectable citizens.

Hmong Americans have taken meanings of feminism and freedom to bear on sexual modernity and belonging, albeit implicitly. For Hmong Americans, the wrestling between liberal modernity in the legal sense and the contention to resist national inclusion into a white supremacist society represents how Hmong Americans have

struggled to identify themselves as citizens within the U.S. Gender and sexuality are arenas through which these forces can be seen. I follow the way I structured chapter one by exploring in depth these major contentions around gender and sexuality. While these topics may lie at the intersections of race, gender, and sexuality, I will bring to the forefront issues of sexuality that are often subsumed within gender. For example, abusive transnational marriages are obscured under discourses of “women’s rights.” Yet, what are missing are the sexual and erotic desires and impulses that underlie transnational marriages. Oftentimes, “marriages” are also incorporated into gender exploitation without full consideration of the sexual undertones of erotic kinship or couplings. Thus I read these debates as a major intervention in thinking about genders and sexualities within Hmong America that unsettles the discourse of a single Hmong American hyperheterosexual common sense narrative.

Before I proceed, it is worth examining and distinguishing the complexities of different intimate relations that are contested among Hmong Americans in relation to transnational marriages and polygyny. Abusive transnational marriages are different from international or transnational marriages more broadly. As Hmong Americans gain resources, capital, and knowledge concerning globalization and world travel, it is inevitable, that they, like many other peoples, will participate in international and transnational exchanges. Sex is one commodity that is easily circulated on a transnational scale. The mid to the end of the twentieth century saw a boom in sexual economies in many parts of Southeast Asia, most prominently in Thailand, but certainly burgeoning in Laos, Vietnam, Cambodia, and Myanmar. Escalating globalization has precipitated the complex migration patterns of peoples around the globe, including return migrations and

homeland visits for subjects living in their respective diasporas. Dennis Altman states, “The institutions and ideologies which link sex and politics are themselves being globalized, as concerns around gender, sexuality, and the body play a central role in the construction of international political, social and economic regimes.”¹³² The messiness with transnational exchanges within sexual economies is significant because it can blur the lines between coercion, agency, and “choice.” Hmong Americans returning to Southeast Asia have participated in a myriad of sexual activities and economies that are both ethical but also exploitative.¹³³ International marriages may connote the traveling back to Southeast Asia to marry a bride with no intention of sponsoring the bride back to the U.S. Transnational marriages, however, may signify the traveling back to the homeland in order to marry and bring back a bride to the diasporic nation. Furthermore, such marriages may not be exploitative in the sense that the bride is not deceived or coerced into the marriages. In many instances, grooms and brides willingly and mutually enter into transnational marriages, especially when a groom or a bride cannot find a suitable partner in their diasporic nation.

Globalization has also enabled people from across the globe to produce differential arrangements of family units. Long-distance intimacy, as Rhacel Salazar Parreñas calls it, includes migrant women who work outside of her home country while “parenting” from afar.¹³⁴ These formations of transnational families are responses to

¹³² Denis Altman, *Global Sex* (Chicago: University of Chicago Press, 2001), 9.

¹³³ Although it is not possible to determine the frequency of homeland visits or overseas travel among Hmong Americanas, Hmong Americans themselves have seen a growing trend as many more Hmong Americans acquire wealth and citizenship for transnational and international travel. As of this writing, statistical research is not available to quantify overseas travel or transnational marriages.

¹³⁴ Rhacel Salazar Parreñas, “Long Distance Intimacy: Class Gender, and Intergenerational Relations Between Mothers and Children in Filipino Transnational Families,” *Global Networks* 5, no. 4 (2005), 317-336.

economic pressures that come from migrant labor in the transnational contexts, that while create a form of agency in which migrant workers are still able to “parent” from afar, nonetheless have contributed to a sense of loss that migrants often experience.¹³⁵ Hung Cam Thai’s scholarship on Vietnamese international marriages, however, also highlight the formations of marriages between Vietnamese heterosexual couples in the U.S. and Vietnam who sometimes are caught within a “migration waiting period” before eventually relocating to be with one another.¹³⁶ Developments such as transnational families and marriages have emerged as a consequence of the increasing flows of transnational capital. Thus, while globalization has opened opportunities for unorthodox formations of kinship and sexualities across the globe, it has simultaneously presented anxieties and social disturbance for the subjects who are doing the undertaking of these alternative intimacies.

What makes an “abusive” transnational marriage? As I will explore further in this chapter, abusive transnational marriages are stringently delineated from other formations of conjugalities within Hmong American social critique. Coercion, deceit, global mobility, abuses of economic differences and American citizenship, and significant age gaps are prominent features of abusive transnational marriages. Hmong Americans’ rejection of abusive transnational marriages is of great contestation precisely because of the blurring of the difficulty of determining what is “abusive” and what is not. There can be intergenerational marriages that are indeed healthy but nonetheless seen as “abusive” in the eyes of others *because of* the age gap. Moreover, the problem of abusive

¹³⁵ See also Rhacel Salazar Parreñas, *Servants of Globalization: Migration and Domestic Work, Second Edition* (Palo Alto: Stanford University Press, 2015).

¹³⁶ Hung Cam Thai, *For Better or For Worse: Vietnamese International Marriages in the New Global Economy* (New Brunswick: Rutgers University Press, 2008).

transnational marriages is compounded with polygyny. Polygyny is intimately tied to abusive international “*underage marriages*,” that is the marrying of a child under the legal age of sixteen to a spouse well over their twenties. The intersectionality found within these practices is that the older Hmong American man is usually already married to a wife in the U.S. His sexual liaisons in Southeast Asia are attempts to gain a *second* wife, constituting polygyny. This second wife is significantly younger than him, in some instances, by several decades. The first wife and the second wife also have a significant age difference. Oftentimes, the second wife is the same age as (or younger than) the man’s American-born children.

It is clear that certain sectors of Hmong Americans are against these transnational marriages *because* of its amalgamation with polygyny, while other forces such as denunciation of a second wife who is the same age as the children of the groom compels its rejection. The abuse is also noteworthy in some accounts whereby the bride and/or groom do not harbor feelings of “true love.” That is, transnational marriages are criticized in the manner that it is old men who have uncontrollable libidos whose waning sexuality means they perceive and desire younger women only to restore their previous sexual livelihood. The compulsive sexual thirst and unregulated desires of old Hmong American men are demonized in these instances. Younger girls and women in Southeast Asia are seen as utilizing these men for their own economic gains, including the hopes of an eventual sponsorship to the U.S. where their true intentions are to leave their husbands upon/after their arrival. In an age where marriage has transformed into free choice and romantic love, the lack of romantic attraction and love between the couples brings suspicion and disapproval. Of course, transnational tourism in search of sexual

gratification is particularly accessible given the mobility that comes with American citizenship. However, Hmong Americans have contested these liaisons amongst themselves precisely because of its intertwinement with polygyny and abusive transnational marriages.

Another major distinction that links and troubles these various formations of abusive transnational marriages is the notion of “underage.” An “underage marriage” in the popular sense of the world often refers to two persons under the age of eighteen, or sixteen in certain states and jurisdictions with parental consent, that have entered into a marriage, something that I will explore further in chapter three. Usually, it is within ethnic and religious communities, which “permit” these conjugalities to materialize under their particular religious, traditional, or cultural belief systems. Thus, for Hmong Americans, there are frequent instances of two persons under the age of sixteen who enter into a “cultural marriage” with the approval, consent, or compliance of their parents and families. The perspectives of this particular form of marriage, while inducing criticism, does not necessarily stimulate universal condemnation. Widespread denunciation of “underage marriages” that occur within the context of abusive transnational marriages is linked to the significant discrepant age differences of the groom and the bride. In these cases, the groom, oftentimes a much older man well beyond his forties or fifties would marry a bride, who in some instances may be under or around the age of sixteen, seventeen, or eighteen. The matter is further muddled when the *actual* ages of these young brides remain unknown because the brides themselves or their families purposefully fabricate their ages in order to enter into a marriage and eventually gain entry into the U.S.

Studies of globalization have outlined the increasingly cultural flows within the world-capital system.¹³⁷ Peoples, objects, and capital from different parts of the world are traversing borders and making their way into the lives of millions of people in other parts. Hmong Americans now are not only participating in the rise and perpetuation of global forces internationally, but also transnationally. The usage of “international marriages” I contend, does not accurately capture what Hmong Americans have participated and struggled with. The state-based definition of “international” seems odd in its application of diasporic subjects (re)engaging with their homelands. “Transnational marriages” more accurately depict the flows of intimacies and capital that define the particularities of these sexual liaisons. In international studies and relations in general, nation-states are the center of attention and scrutiny. While this is certainly the case of transnational marriages, the optic of “transnationalism” captures the uneven flows of desires, intimacies, and capital that moves through and beyond the currents of the nation-state world system. As such, what really should always be called “transnational marriages” is often used colloquially and interchangeably with “international marriages” within Hmong American activist, organizing, and vernacular communities. However, in this chapter and dissertation, my usage of “transnational marriages” instead of “international marriages” is meant to signal the messiness that comes with the irregularities of sexuality that travel back and forth between the Hmong in the U.S. and Southeast Asian states.

The phenomenon of abusive transnational marriages extends beyond the actual victim herself. Abusive transnational marriages also impacts families living in the U.S.

¹³⁷ See Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996), and Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham: Duke University Press, 1999).

when their husbands and fathers travel overseas to marry young brides. Oftentimes, the father would leave his wife and children, or go overseas to spend all his money buying gifts for young teenagers instead of investing it in his own family in the U.S. The first wives of these men do not legally or culturally divorce their husbands for fear of being caste out of the husband's clan. The children fail to relate to the second wives, their so-called "new mom."¹³⁸ They become depressed, dooming everyone in the family. In many instances, the second wife is the same age as the children. Advocates against abusive transnational underage marriages understand that young women from overseas are victims, but some Hmong Americans may cast these women as deceptive, money hungry gold diggers, or evil for ruining Hmong American families.¹³⁹ This has begged the question of how to best address this phenomenon, and whether "culture" can be amended to bring repercussions for Hmong American men who engage in these abusive transnational marriages, or for Hmong women more broadly not to be at the mercy of their husbands in relation to sexual intimacy. Hmong Americans have sought legal reform, but they also recognize how legal steps may further criminalize "Hmong culture" more broadly. Instead, circulating messages about the morality of abusive transnational marriages among Hmong Americans themselves within cultural production may be an indirect route towards social change.

Ga Moua's 1995 Hmong film series *Yuav Tos Txog Hnub Twg? [Until What Day Will I Wait?]* is arguably the most popular and eminent representation of abusive transnational marriages and sexual liaisons among Hmong Americans that have, over the

¹³⁸ The second wife is not necessarily a new "mother" to the children of the first wife, but colloquially she may be referred to as *niam tshiab* by Hmong Americans, literally translating to "new mom."

¹³⁹ Mila Koumpilova, "International Marriages Come Under Criticism in Hmong Community," *Minneapolis Star Tribune*, October 31, 2015.

last two decades, serve as a political warning about polygyny and abusive transnational marriages. The series became one of the best-selling film series of all time within Hmong American popular culture, and introduced the now-notorious character Dr. Tom to Hmong communities all over the world through a wide distribution of the video home system cassette tapes. In the most famous first installment of *Yuav Tos Txog Hnub Twg?*, Dr. Tom, a married Hmong American janitor travels back to Thailand to court Nkauj Iab, a young Hmong woman, by marketing himself as a “doctor.” Styling himself in dark sunglasses, a suit and tie, pulled back hair, cowboy boots, and a camcorder, Tom convinces Nkauj Iab’s mother to force Nkauj Iab to break up with her local boyfriend in order to marry Tom. Tom eventually runs out of money in Thailand and returns to the U.S., leaving Nkauj Iab behind as he promises to come back for her. The film ends with Nkauj Iab weeping and brokenhearted over the fiasco of fabricated promises and false love as the now legendary accompanying titled song plays in the background: *tsaus ntuj zus, lub hnub yuav ploj, yam li koj, tso kuv pov tseg, rau txoj kev txom nyem quaj ntsuag, kaj ntug zus, lub hnub rov tawm koj mus lawm, tsis tig rov los, kuv thiaj nyob no ntxuag kua muag* [as evening falls, the sun sets, like you, discarded me all alone, into misery and poverty, weeping, as morning comes, the sun rises, you have left, not turning back, and so I am left here with my tears].

Anthropologist Louisa Schein has written extensively about her conversations with Hmong Americans about the film series over the last twenty years. Most of her informants reveal that the storyline is “true” and “real.” Some have argued that the film series represents the fantasies that many Hmong American men have, but cannot carry

out.¹⁴⁰ The veracity of this film within Hmong American communities performs a double function. First, the cautionary tale of Dr. Tom reminds Hmong Americans of the pitfalls of sexual desires warped with deceit and lies within the transnational context. Second, the fact that the video is a comedy reveals the absurdity of transnational liaisons of Hmong American men with younger Hmong women in Southeast Asia. Hmong American media, including videos and ethnic newspapers magazines, have been platforms for Hmong Americans to create sexual discourse on their own terms, and as Gary Yia Lee puts it, “These old romantic practices may look as if they are only common to Western Hmong men because these videos often dwell on the latter’s transnational subjectivities, but in reality they are aimed to ridicule such practices.”¹⁴¹ Growing up watching this video, I recall family members laughing at the absurdity of the caricature of Tom, while lamenting on the seriousness and malevolence of these abusive transnational rendezvous. Dr. Tom has come to stand in for a laughing stock among Hmong Americans of my generation as we cautioned others about the evilness that lies underneath abusive transnational marriages.

The first installment of *Yuav Tos Txog Hnub Twg?* does not end with Nkauj Iab being sponsored to the U.S. Thus, while she does not become Tom’s bride in the U.S., she nonetheless becomes his victim through his abusive use of capital and American privilege to upend her “true” love life with her local boyfriend and to deceive her parents in giving her up to him. A text like *Yuav Tos Txog Hnub Twg?* is a reminder for Hmong

¹⁴⁰ Louisa Schein, “Mapping Hmong Media in Diasporic Space,” in *Media Worlds: Anthropology on New Terrains*, eds. Faye D. Ginsburg, Lila Abu Lughod, and Brian Larking (Berkeley: University of California Press, 2002), 229-244; Louisa Schein, “Homeland Beauty: Transnational Longing and Hmong American Video,” *The Journal of Asian Studies* 63, no. 2 (2004), 433-463.

¹⁴¹ Gary Yia Lee, “Dreaming Across the Oceans: Globalization and Cultural Reinvention in the Hmong Diaspora,” *Hmong Studies Journal* 7 (2006), 24.

Americans to critically examine its “culture” as rising consciousness about gender and sexual exploitation and oppression becomes major concerns for the Hmong in the diaspora. Schein’s main interest in examining the Dr. Tom film series is to explore the transnationality of homeland desires, erotics, and sexualities. Like definitions of abusive transnational marriages purported by advocates, the depiction of Tom in *Yuav Tos Txog Hnub Twg?* fits the archetype of the “abusive” tactics that old Hmong American men are expending in order to gain and deceive young women in Southeast Asian into marriage. The affective structures of sexuality within the text relates to viewers precisely because it confirms the warnings and hazards of transnational sexual activities. Operating as both a parody and admonitory tale, *Yuav Tos Txog Hnub Twg?* appeals to the moral consciousness of Hmong Americans who reject the deceptive violence that homeland Hmong women are often subjected to. In this particular text, the woman is made more vulnerable and hopeless after her mother and Tom destroyed her *true* love. Viewers relate to her pain because they too have witnessed these “open secrets” in their communities firsthand, compounded by Tom’s American and patriarchal privilege to convince Nkauj Iab’s mother—an extension of the powers of Hmong culture in which Nkauj Iab is unable to resist—into relinquishing her to Tom.

Subsequent films have taken up the themes found in *Yuav Tos Txog Hnub Twg?* The film series *Mob Niam Yau [Sick for a Second Wife]* directed by Lee Xiong and Su Thao follows the endeavors of a man who fabricates a sickness in which the only cure is to marry a second wife. By the third installment, his first wife has left him, only to come back and bring him out of destitution, signaling the worth and kind-heartedness of a first wife. Various other films produced in the 2000s details the pitfalls of male sexual liaisons

in general as they deceive their wives in pursuit of girlfriends and second wives. However, in some instances, films may also relay the perils of “cheating.” Producer P Nyuam Y’s 2000 film series *Noob Niam Yau [Seed of Second Wife]* and Ntxawg Vwj’s 2007 *Txij Nkawm Teev Kua Muag [A Marriage of Tears]* all resonate with Hmong Americans precisely because of the themes of heartbreak, broken families, and injustice that stem from the protection of male sexual recklessness condoned by “Hmong culture.” However, some films have also depicted scenarios in which a man does not wish to marry his mistress, despite the fact that it would be acceptable to marry her as a second wife. The most famous Hmong horror film *Neeg Txhaum Txim Khiav Tsis Dim [The Guilty Cannot Escape]* depicts the ghost Sua as she avenges her death by the hands of her lover Zeb. Zeb promises Sua that he will “take care” of her when he learns of her pregnancy, denoting that he will marry her as a second wife. He instead decides to murder Sua in order to escape his responsibilities as the baby’s father, only to be haunted by her ghost until his own death at the end of the film. *Neeg Txhaum Txim Khiav Tsis Dim* troubles the narrative of Hmong men as necessarily desiring polygynous relations or that polygyny is readily available as a dispensable tool for either abetting (or correcting) men’s sexual escapades. Together, Hmong cultural texts such as films and subsequent translations of these texts into advocacy and writing have produced an array of discourse that highlights Hmong Americans’ fraught positions in the U.S. as they struggle to address issues of gender and sexuality within their own communities. Furthermore, representations of cheating in the hopes of attaining second wives both in local and transnational contexts, and the destruction of one’s own family depict the grave consequences for women and men alike. Altogether, the discourse incited through Hmong American contestations over

polygyny and abusive transnational marriages suggest that these issues remain as significant markers of Hmong American belonging in the U.S.

Contesting Polygyny

Yog poj niam [women]
Khoom tiag tsis yog ua si [are real things, not play things]
Yam khoom zoo, tsis yog yam khoom siv [are good things, not things to be used]
Leej twg siab coob, [whoever has many hearts for many people]
Ib leeg hlub tsis tau [simply cannot love just one]
Tsis txhob sib hlub, [no need to love]
Nyob ib leeg ntshe yuav zoo dua [being single is best]

Nyob ib leeg, tsis xav mus ua niam yau [staying single, I don't want to be the second wife]
Tsis xav zaum tos, [don't want to sit and wait around]
Thaum twg mam li rov los [when you will be back]
Tsam dag kuv nco, [lying for me to wait]
Nyob ib leeg ntshe yuav zoo dua [being single is best]

-Tsab Mim Xyooj, *Tsis Xav Ua Niam Yau*

Tsab Mim Xyooj's 1990 song *Tsis Xav Ua Niam Yau* pronounces her refusal to become a second wife. In the song, she sings that she would rather stay single than be toyed with as a second wife to a man. Xyooj is a legendary Hmong American singer who has had a gigantic appeal to the Hmong all over the world since her emergence in the late 1980s to the early 2000s. In this vein, Xyooj is among many artists who have created a huge cultural archive of songs and folk music to address topics of concern for the Hmong throughout the globe. These issues are diverse, including love, heartbreak, farming life, weddings and marriage, orphanage, family relationships, and even Christian religious conversion. This archive of feeling, I argue, is one not simply of "cultural" feeling, but of political feelings. They resonate for Hmong Americans as life lessons and critique, long before the emergence of written forms of editorial opinions. Combining these types of media with written sources, Hmong Americans have long had a vibrant discourse about

gender and sexuality that works to perform functions of critique.

Following and extending beyond this hidden and forgotten archive, Hmong Americans have devised and enacted platforms for themselves in presenting perspectives on social issues. Magazine and newspapers are especially fruitful domains where Hmong Americans can “speak out” in their own voices. Although later methods of “speaking out” have followed more hegemonic forms of writing, it nonetheless contributes to the discourse that Hmong Americans have precipitated in their engagement with the hyperheterosexuality of their culture. This metaphor of speaking out and voicing one’s perspective is perhaps most evident in the name of *Future Hmong: Voice of the Hmong*, a Hmong American magazine produced in Milwaukee, Wisconsin. *Future Hmong* printed a series of “Speak Out” excerpts from readers responding to several contentious issues affecting Hmong American communities. In one prominent instantiation, readers were able to respond to the question of polygyny, with some excerpts included below:

I personally believe that polygyny is wrong. Me, being a strong independent Hmong woman myself, I do not tolerate this behavior from any man. We live in America, and polygyny is outlawed. [...] I guess in all fairness, it isn’t the man’s entire fault. It is the woman’s fault also. If they do not believe in the act of polygyny they should speak up. If you strongly believe that it is morally wrong, voice your opinion and don’t keep it inside of yourself, because you might eventually be some man’s 3-4th wife.

-Suzy Yang, Wisconsin

You know with all this polygyny stuff going on, here’s a piece of my mind. We are in a different society than the one we use to be in. As time change, we change with it. And polygyny is one thing that needs to be changed. I’m not too worried about polygyny in the future because the newer generation is against polygyny and I know sooner or later it will stop. Some men think that polygyny is right. But what they don’t see is, polygyny don’t make you look like a man just because you got 2-4 wives by your side. Polygyny means you look WEAK!!!!!! Because it proves that you AIN’T A MAN ENOUGH to handle your family. You aren’t man enough to tell your wife to do this and that. So then you need another female to do the other work in the house. The first would be strong enough to handle house chores and stuff and work and take care of the kids. Therefore the whole family shows weakness.

-Cha Lor, Milwaukee

Polygyny is wrong. It degrades the value of the woman spirit and dignity by implying that she is not good enough for her husband. WE'RE NOT IN LAOS OR THAILAND ANYMORE! This may come as a shock to many of you out there, but you're living in the United States. Please!! The law says you cannot kill, that does not means you justify murder by saying, "It's part of our culture." You're living on American soil, follow American laws. If you ego is too big for simple manners, then GO BACK. Nothing is stopping you from moving to a country where you can have sex with as many women as you'd like.

-Mai Youa Lor

It's rather insidious that many Hmong's demand the laws of America to bend for the culture, when it is the culture that should modify itself to comply with simple, basic, human rights. I don't find the law unreasonable as they are made to serve the people's best interest [...] Whether it is polygyny or polyandry, there is no place for it in America or in this day and age.

-Nhia Yang¹⁴²

The responses posit a binary framework of American versus foreign in the ways Thailand and Laos are evoked as backward locations of sexual primitivity. Within Western liberal thought, the independent self and the nuclear family comes in to stand for a modern self and family. Monogamous conjugality is evoked as both morally and legally superior. Suzy Yang's invocation of her being a strong independent woman and thus an opponent against polygyny reinscribes this very problematic paradigm of "woman" while disavowing other women as to "blame" if they "don't speak up." Her assumption that it would be a woman's fault for not protesting her status as a third or fourth wife mandate that a neoliberal woman emerge, rather than explore the nuance of how heteropatriarchal and heteronormative structures of womanhood within Hmong American society and Western neoliberalism demands her silence. These Hmong American readers invoke law and order as the basis of denouncing polygyny, and are conservative responses that reifies

¹⁴² Speak out! Excerpts From You to Us," *Future Hmong: Voice of the Hmong*, December 2003.

U.S. based nationalism. Mai Youa Lor's statement, "If your ego is too big for simple manners, then GO BACK," bolsters nationalistic violences that locates Hmong Americans as inassimilable, unchanging, and deportable. It demands the availing of migrant and refugee subjects to U.S. neoliberal heteronormativity, a charge often associated with right-wing arguments of xenophobia and racism. Hmong Americans engage in rhetorics that mirror national discourse of the unassimilable refugee/migrant harboring unchanging cultures of gender and sexualities. However, the difficulty that lies in this assertion is Mai Youa Lor's struggle with enacting dignity within the woman's spirit that does not subsume the woman as a propertied wife within a masculinist framework of capitalist heteropatriarchy. It is easy in the common sense imagination to foster this desire for dignity with a solution towards assimilation or legal justice.

Positioning polygyny within the confines of modernity presents an assimilative response from Hmong Americans in these examples. Because polygyny, like any other sexual act, culture, or identity, is neither unchanging nor static, we need to formulate a critique that does not reify Western liberalism and bolster the common sense narrative constructed within dominant institutions. Furthermore, feminist and queer critiques of structural violence need not be oppositional. Polygyny as a system of desires, kinship, and gendered power has taken on various meanings and formations during the war and post-war periods. During the Secret War, levirate was upheld as honorable in order to provide recourse for wives who have lost their husbands to military combat. Refugee migration to the U.S. has fragmented polygynous families in accordance to immigration policy. A starting place needs to critique power dynamics of polygyny as it is currently practiced in Hmong American society in light of the power dynamics of the post-war

periods.

What these critiques allude to is the exploitative, misogynistic, and highly unethical practices of polygyny as male domination and gender subordination. Furthermore, it is an issue of male sexual gratification that denies the reciprocal sexual gratification of women, including the first and subsequent wives. The current practice of polygyny as it stands is extremely limited in the ways first wives and her children can live under the circumstances of resource extraction from their father for his personal sexual liaisons. The issue of how to support a second or third wife from Southeast Asian is also an issue of justice for her, as she is a migrant who needs material resources in the U.S., as well as access to employment, translation, and education. The husband is himself most oftentimes illiterate in these domains and cannot assist the new bride, thus cementing the accusation that his intention is not to foster the well-being of the new bride in the transition from Southeast Asia to the U.S., but to use her for his own sexual desires, a desire that supposedly does not require the further knowledge of capitalistic economies. If a couple is married legally, then the husband must both legally and traditionally divorce the first wife. Since both formations are deemed as legitimate and necessary, it is difficult for first wives to divorce their husbands through the clan mediations.

Hmong Americans have negotiated their representation of hyperheterosexuality by enacting certain strategies that posit themselves as modern subjects in the U.S. Thus, Hmong American responses to charges of gender and sexual subordination may also inadvertently reify assimilative demands of Western liberalism and heteronormativity. In some cases, a dichotomy of moralism and modernity defines the rejection of polygyny

and transnational marriages rather than complicate their myriad variations. Situating polygyny in the context of abusive transnational marriages highlights the current practice of polygyny as damaging and existing within exploitative regimes of power. However, rejecting polygyny on the grounds of U.S. based nationalism and a framing of an essentialized cultural practice is also problematic. Nhia Yang's assertion that "culture should bend to the law" reifies law as a structure that is all encompassing, standard, and objective. However, the irony lies in that it is unclear whether Yang's assertion urges the abolition of polygyny, or the molding of a "polygyny" that can exist within the law. Although my suspicion is his desire to abolish polygyny, it also delineates whether law can be flexible enough in its deployments to accommodate non-monogamous conjugalities and relations. The universalism of so-called polygyny that are evoked in the responses by readers in *Future Voice* lies in the common sense narrative of respectability. Rubin has critiqued this universal and singular narrative of sexuality as monogamous, "This notion of a single ideal sexuality characterizes most systems of thought about sex."¹⁴³

As I have articulated, polygyny is intimately tied to abusive transnational marriages and "underage marriages." Aside from the very young ages of girls who are sexually battered in sensationalistic journalism, even young girls who marry at their own will are treated as suspect. Maykia Lyboulalong, a writer from 1995 wrote an article in the *Hmong American Journal* about the pitfalls of being young and married. She begins by informing us that her intention is to discuss what "it is like for young Hmong female adolescents who marry before the age of eighteen or before they complete their high

¹⁴³ Rubin, 283.

school degree.” She outlines two reasons why girls marry. First, they find that marriage is the solution to the “generation gap” because parents often do not understand their struggles, but their husbands may. Parents will then be left with no choice but to allow the girl to continue in her traditional marriage since she “insists” on being married. This portrait paints the daughters as troubled and not really understanding the meaning of “love.” Second, the daughter is forced to marry because they may see her as “troublesome” and marriage may resolve some of the daughter’s troubles and preserve the daughter’s reputation. In this strict rationale, parents are seen as limiting the daughter’s freedom to date or go out with friends. Ultimately, the writer brings the readers back to a pitfall of teenaged brides, which is that they become “women” and are tasked with “womanly chores” upon their marriage, which causes undue burdens and struggles because they cannot adequately perform these duties in the eyes of her new in-laws.¹⁴⁴ Girls who marry when they are “underage” are stigmatized as possessing no agency and casted off as not comprehending their actions, whether they entered their marriage through abusive transnational marriages or within their own-will.

Readers in *Future Voice* understands “cultural practices” in the context of law because it is law that dictates the earlier conversations about Hmong gender and sexual practices. Gender and sexual acts, as also intimate acts, are continually subjected to the law’s biopolitical powers insomuch that it can create the normalizing and normative powers for readers to “speak out” against its immorality. It is also evident that within U.S. gender and sexual politics, ethnic minority subjects have long been subjected to scrutiny and demonization for their supposed “aberrant” acts of intimacies that deviate

¹⁴⁴ Maykia Lyboualong, “Young and Married,” *Hmong American Journal* Vol. 16, Year 2, November 16-30, 1995.

from white Victorian ideals around the normative family, gender ideals, and domesticity. In this way, some readers have responded in expected ways that bolsters respectability politics perhaps borne out of a heightened visibility of Hmong American deviancy. Speaking out against gender and sexual exploitation in the context of polygyny here in *Future Voice's Speak Out* series also corroborates what Candice M. Jenkins argues in her book *Private Lives, Proper Relations* that black subjects have operated within a paradigm of the “salvific wish.” Jenkins describes this as “a longing to protect or save black women, and black communities more generally, from narratives of sexual and familial pathology, through the embrace of conventional bourgeois propriety in the arenas of sexuality, intimacy, and domesticity.”¹⁴⁵

To put into another perspective the calamity and intersectionality of abusive transnational marriages, let us consider an article that appeared in the May 2006 edition of *FutureHmong Magazine* titled “Polygyny: A Call for Change.” The authors Houa Vang and Yer Yang call for Hmong American communities to end polygyny as it is practiced in relation to abusive international marriages. Vang and Yang argues for ethical and moral responsibility of Hmong American men who engage in abusive transnational marriages. They deem this practice as irresponsible and immoral considering the material, emotional, and financial consequences that would be wrought upon his family in the U.S. Furthermore, they situate this practice within patriarchy as a system that which condones the sexual exploitation of women and encourages men’s sexual conquest. Polygyny is also a form of control and power that men use to reinforce gender asymmetry. In this vein, Vang and Yang state, “Why would any man do such a thing?

¹⁴⁵ Candice M. Jenkins, *Private Lives, Proper Relations: Regulating Black Intimacy* (Minneapolis: University of Minnesota Press, 2007), 14.

Maybe the perception is that this would make him more manly and powerful? Other men who want the same thing may even envy him. Picture...a young wife, possibly multiple wives, and having little accountability and responsibility for those families. This would be having the cake and eating it too. This is the ultimate high for some traditional men.”¹⁴⁶ They situate abusive transnational marriages within polygyny as a means for the success and condoning of the practice. Without the practice of polygyny, it may be possible that abusive transnational marriages can also end. Vang and Yang’s critique is more intersectional and critical as they carefully teased out the intricacies of abuse within the context of transnational marriages. Furthermore, Vang and Yang alludes to systemic and ideological structures of male supremacy that permit and condone gender and sexual exploitation beyond simple articulations of “Hmong culture.”

Hmong Americans have understood the historical and ongoing demonizations and criticisms of their culture, cultural practices, and peoples in general. This sense of looking at oneself through the eyes of others, or what W.E.B. Du Bois has coined as “double consciousness” operates as a gift, but also a curse.¹⁴⁷ When Hmong Americans situate themselves around what is legal or even ideologically “moral” in the U.S., they have the understanding that polygyny is “wrong.” In the texts, cultural archives, writings, and activism/advocacy of Hmong Americans, I would categorize their condemnation as a near-blanket universalism within the U.S. context. Double-consciousness is meant to provide minority and racialized subjects the perspective of understanding the multiple epistemes in which their people are perceived. However, such a tool, in this instance, led

¹⁴⁶ Houa Vang and Yer Yang, “Polygyny: A Call for Change,” *FutureHmong Magazine*, May 2006.

¹⁴⁷ See W.E.B. Du Bois, *The Souls of Black Folk*, Intro. and chrono. by Jonathan Scott Holloway (New Haven: Yale University Press, 2015).

some Hmong Americans to adopt ideologies of condemnation of hyperheterosexuality that does not allow for a critical perspective of non-monogamous conjugalities. As Jenkins further argues, the violence of the salvific wish does nothing to “save” black subjects from the “uncivilized” and “pathologized” cultures and communities that they come from. The desires then of a community reform, although complex and borne out of a desire to eliminate the ills of one’s hyperheterosexual culture in the service of social citizenship only brings further complications and pitfalls for Hmong Americans.

Abusive Transnational Marriages

A story emerges in 2015. Panyia Vang was a fourteen year-old teenager living in a rural farming community in Laos who dreamed of becoming a singer. She met a young man one day from her community, who asked for her phone number so he could supposedly contact her regarding the work schedules of the local farmers. She received a call from a relative afterwards who offered an all expense paid trip to Vientiane, the capital of Laos, to “audition” for a music video, where she was also offered to try on fancy clothes and meet a local celebrity. This was where Panyia met Thiawachu Prataya, a forty-three year-old Hmong American man, who persuaded her to try on the clothes in his hotel room. There, he raped her repeatedly despite her begging him to stop while she was bleeding in pain. Panyia later learned that she was pregnant with Prataya’s child, and it was then that Prataya forced her into a traditional marriage. Prataya and Panyia’s father, who was also living in Minnesota, both sponsored Panyia and her child to migrate to Minnesota in 2007. Prataya continued to rape Panyia while they were married and threatened to seize their baby away from her if she resisted. Their “cultural marriage”

was prolonged until 2011 when she finally obtained a protective order against him. She successfully sued him for \$450,000.00 for child sex tourism under “Masha’s Law,” a federal section under the Adam Walsh Child Protection and Safety Act of 2006, that provides civil remedy for child pornography, child sex trafficking, or child sex tourism victims to claim monetary damages from their perpetrators.

Panyia’s story was covered in a *Washington Post* article, which advanced the claim that this was an extraordinary case because the victim chose to “speak out,” rather than remain silent. The notion of “speaking out” in the legal realm has become a hegemonic mode of advocacy as evidenced by the *Washington Post* article and is further an association with agency within liberalism and Western feminism. Furthermore, the article stated that incidents like this one is a familiar story among Hmong Americans, who know all too often and all too well the stories of old men going overseas to marry young brides and bringing them back to the U.S. According to Sia Her, Executive Director of the State Council on Asian Pacific Minnesotans, this phenomenon is “well-known” among Hmong American communities. She states that most Hmong Americans know at least someone who has engaged in this practice, further calling this phenomenon an “open secret” among Hmong Americans.¹⁴⁸ Explicit in the critique of abusive transnational marriages is the notion that Hmong Americans *have always known*, and *have always engaged* in debates regarding issues of gender and sexual exploitation. However, Panyia’s “speaking out” has come in to stand for the moment of revolution for Hmong Americans.

We arrive again at a poignant moment of disjuncture in the debates around

¹⁴⁸ Yanan Wang, “The ‘Open Secret’ of Abused Hmong Child Brides Goes Public in Minnesota Lawsuit,” *The Washington Post*, September 28, 2015.

transnational marriages when Panyia's case emerged in the mainstream media. The rise of formal advocacy by Hmong Americans like Her in empowering others to "speak out" brings the plight of victims of abusive transnational marriages and polygyny into the mainstream news media. In a Minnesota Public Radio News podcast, journalist Doualy Xaykaothao joined Panyia's attorney Linda Miller and Kabzuag Vaj, an advocate and co-founder of Building Our Future, a community campaign to end abusive transnational marriages, and the Executive Director of Freedom Inc., an organization that works to end violence against people of color, women, and gender non-conforming people, to talk about the case of Panyia Vang. Miller is the Executive Director and founder of Civil Society and also works with the Association for the Advancement of Hmong women, where she came into contact with Panyia. Miller speaks about Panyia as being desperate to find a solution to her situation, and the case as a child sex tourism case. Panyia's case is notorious because she revealed her name and photo to the public, something that is unusual in child sex tourism or trafficking cases, and certainly something unusual in Hmong American communities. Miller has defined this case as child sex tourism not because there was intent on the part of the perpetrator to exploit a child for sex, but that the act of sexual exploitation did indeed happen. The case was also defined as such because Panyia's father had corroborated her age as a minor. Seeking a legal route was designated as opening up the possibilities for Panyia to seek justice.¹⁴⁹

Vaj takes on a different angle that frames a different Hmong American perspective. Focusing on how Hmong American women may be situated at the matrix of both legal and Hmong American traditional visions of justice, Vaj talks about how Panyia

¹⁴⁹ Minneapolis News Staff, "Hmong Child Bride Lawsuit Sparks Conversation About Marriage Practices," *Minneapolis Public Radio News*, October 22, 2015.

will still have to face the Hmong American community regardless of her method for delivering justice:

I think the important thing to understand about Panyia's case is that whether Panyia wins in court, most likely she'll lose in public in the Hmong community. And that just has a lot to do with the fact that, like I said, deep roots of patriarchy. So therefore, Building Our Future, it isn't so much that we don't see that it's a crime or that sexual exploitation has happened. It is that we are coming from this from a culturally specific lens, the legal remedies are just one way of, one remedy, and that we actually have thought this through for the past ten years about bringing these issues out into the public. And one of the other things is that I am, though I want victims to have justice, I'm also very wary of the legal system because too often people of color are criminalized, and so I think the route that we have taken is a route of social change and social justice that really talks about changing the hearts and minds of our people. And truly understanding, and coming from that from a victim-based lens, and that we totally understand that after all this is done, Panyia is still Hmong, and she still has to be in the Hmong community. And so in my work with Hmong women and girls and survivors who have gone through abusive international marriages, I come from that lens of really looking at the backlash and trying to prepare for that.¹⁵⁰

Vaj diverges from Miller's approach in that she frames justice not in legal justice, but a holistic approach to help Panyia achieve restorative justice after the completion of her case within the judicial system. "Justice" is structured as individual legal victory within neoliberalism. In many cases, monetary damages awarded to victims may also constitute "justice." Within smaller ethnic communities where anonymity is more difficult to maintain after high-profile cases, rumor and gossip will proliferate, and social ostracization will occur even for the victims of crimes. This is an often-ignored aspect of justice within legal liberalism that Vaj seeks to tackle. For Vaj, the aftermath of trauma is significant because it details the unending cycle of shame that victims face. Similarly, victims may be subjected to perpetual mental health issues that derive from exploitation or encounters with lengthy judicial processes, especially for women who have recently migrated to the U.S. and who have no resources to assist themselves without the support

¹⁵⁰ Ibid.

of family. Vaj and Building our Future is prudent of the repercussions rooted within patriarchy and gender subordination that is not about exploitation, but ostracization and social stigmatization.

Vaj points to the disproportionate criminalization of people of color within the legal system. Precisely, black and Latino men and boys are criminalized for simply being people of color whereas white men and boys are offered more lenient sentences for committing the very same crimes. In the post-9/11 era, Muslim peoples and Southeast Asian men and boys are especially criminalized and deemed as terrorist and gangsters. An innate “pathological culture” is evoked to further the criminalization of people of color in general, and men and boys of color in particular, in that they are systematically rendered as hyperviolent subjects right at birth. Social justice for subjects who are the victims of violent crime perpetuated by men and boys of color can certainly lie within the realm of the legal. However, for Vaj, educating men and boys of color about patriarchy and misogyny within their own ethnic communities is a more socially just approach towards achieving justice in the long-run for both perpetrators and victims. Instead of privileging retributive and penal punishments for perpetrators, Vaj prefers an intersectional and holistic approach towards providing long-term support for victims while simultaneously changing the systemic and cultural institutions that allow perpetrators to commit their acts in the first place.

Hmong American women and men have recognized the structural systems that allow for sexual violence to occur. Contrary to dominant common sense constructions of Hmong Americans and “Hmong culture” as complicit and even sanctioning sexualized crimes, Hmong Americans have been active in resisting these images while

simultaneously working within their own communities to create social change.

Furthermore, advocates have demonstrated various strategies to combating sexual violence, some of which includes collecting testimonies from the first and second wives and their children. Freedom Inc. and the Asian and Pacific Islander Institute on Domestic Violence, a national organization focusing on sexual and domestic violence, human trafficking, and gender-based violence in Asian and Pacific Islander communities, published a report that summarized the issues, challenges, and action steps of ending abusive international marriages. The report, *Abusive International Marriages: Hmong Advocates Organizing in Wisconsin*, was developed after four meetings between 2007-2010 among stakeholders, including Hmong American women, men, and non-Hmong. The report gave us the term “abusive international marriages” (a term I have used throughout this chapter), which differs from international or transnational marriages in respect to the ways global and capitalistic powers operate within transnational exchanges. Advocates linked these abusive international marriages to domestic violence and sexual abuse among Hmong Americans. Their definition is as follows:

“Abusive international marriages” refers to the practice of older men residing in the U.S. marrying under-age girls in Asian countries. Abusive criteria include: age differences between the couple that can range from 20 to 70 years; men’s duplicity in declaring their true marital situation in the U.S.; wives in the U.S. coerced into divorce; and the sexual victimization of young girls. The practice of abusive international marriages causes physical, emotional, sexual and/or economic harms. Its victims include underage brides from Laos, Thailand and China married to significantly older men; first, previous and/or current wives in the U.S.; young, teenage and adult children in the family; relatives such as siblings and in-laws on both sides; and friends and family in the U.S., Laos, Thailand and China.¹⁵¹

¹⁵¹ Chic Dabby-Chinoy, *Abusive International Marriages: Hmong Advocates Organizing in Wisconsin* (San Francisco: Asian and Pacific Islander Institute on Domestic Violence, 2012), accessed April 1, 2015, http://www.api-gbv.org/files/Abusive.International.Marriages_APIIDV_4.2013.pdf.

The report also adds the element of “marry and dump.” This notion entails the marrying of a bride in Southeast Asia with no intentions of sponsoring her to the U.S., creating a population of unwanted, outcasted, and abandoned women in their villages.¹⁵² The relative ease with which mail-order brides can be sponsored to the U.S. means men who marry overseas women are expected to bring them to his diasporic nation. Furthermore, they highlight that another reason why men engage in polygyny in the context of transnational marriages is to exact revenge against their first wives and families.¹⁵³ Nkauj Iab in *Yuav Tos Txog Hnub Twg?* embodies this subject of the bride who was “dumped.” Oftentimes, a man may only be “cheating” on his first wife while deceiving the mistress with promises of marriage. Building our Future is another campaign borne out of earlier work of advocates, aimed at ending gender-based violence and abusive transnational marriages in Hmong American communities. Building our Future had created a series of events, reports, and online videos to address the failure of various systems in addressing gender-based violence and subordination. They noted in their Day of Action Events Evaluation and Reflection Report, “Our traditional community leaders lack analysis, insights, and deep moral commitment to make meaningful change; our allies do not understand what is happening and at times unknowingly marginalize what is happening in our community; and, overwhelmingly this issue is seen as women’s issue when we know that it is not.”¹⁵⁴

Building our Future advocates for a cultural change framework that is situated

¹⁵² Ibid.

¹⁵³ Bo Thao-Urabe, Kabzuag Vaj, and Kaying Yang, *Building our Future: A Community Campaign, Day of Action Events Evaluation and Reflection Report* (December 2013), 32, accessed April 1, 2015, <http://www.api-gbv.org/files/BOFDayofActionEvalRept.pdf>.

¹⁵⁴ Ibid., 5.

within restorative justice, which stresses that communities work from within to address social issues. Thus, this approach troubles the frames of universalism and cultural relativism within feminism. This is further bolstered by cultural competence, which is the approach that communities utilize community assets, borne out of historical and cultural contexts, to create solutions towards addressing gender and sexual subordination. Community leaders, Hmong American women and men have crafted visions for what a Hmong American community should look like, including the transformation of clan leaders and clan system, gender equality in homes and communities, and a violence free society for everyone.¹⁵⁵ Building our Future also met and shared their research and testimonies throughout 2013 in what was called the Day of Action events at twelve different events in the U.S. and abroad, including Minnesota, Wisconsin, California, Washington D.C., Hawaii, and Laos. The conversations structured at these meetings include direct action steps from individuals, organizations, communities, allies, and governments.

Without denouncing and then ultimately (re)inscribing normative heteromonogamy morality onto practices of transnational or intergenerational marriages, I wish to elucidate the political tension within these works, and illuminate their political critique. Women of color feminism has been powerful in articulating differential devaluations of lives based along age, race, class, gender, sexuality, and nationality, among others. Since Hmong American women's lives are intimately and tied to "culture" in the sense of a toxic Hmong American heteropatriarchal nationalism, "culture" is then the site in which Hmong American women can articulate a strategy of resistance. This maneuver points

¹⁵⁵ Ibid., 31-32.

towards the structure in which Hmong American men can and do engage in exploitative acts, and in which activists have been dynamic in challenging this exploitation. “Culture” exists as a site of material struggle for Hmong American women activists to engage in ideological and epistemic shifts. Activists here engage in a longer history of women of color feminist practice that Grace Hong has documented, and in which she cites Cherrie Moraga, that feminist social movements must happen within epistemology and culture.¹⁵⁶ Hong reads selections from *This Bridge Called My Back* to formulate an epistemology that can aid in establishing a Hmong American women’s critique, namely that, for women of color feminists, the archive of *knowing* particular phenomenon is crucial, even when there is no “evidence” to “prove” the prevalence or occurrence of that phenomenon.¹⁵⁷ Here, the phenomenon can be abusive international marriages, where Hmong Americans have “known all along” this “open secret,” and in which activists and family members have debated for years. This epistemological structure about politics is what underlies the popular discourse that Hmong Americans are at best complicit or passive, and at worst unable to engage sexual matters. Yet, the metaphor of “open secret” is subtle but powerful because it allows a feminist formulation that acknowledges the situation of “living” with an open problem even when dominant institutions have accused Hmong Americans as condoning such exploitations. This contrasts the supposed “revolutionary” action of Panyia in disclosing her identity and picture to the public “for the first time” that is reported in the media. The epistemologies of knowing exploitation then is a feminist engagement with the silent “truths” that have been there all along.

¹⁵⁶ Grace Kyungwon Hong, *Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (Minneapolis: University of Minnesota Press, 2006), xxxi.

¹⁵⁷ *Ibid.*, xxxiii.

The critique of advocates like those in *Building our Future* is very vernacular, situated within exploitative regimes of male sexual domination. Hmong American male sexual exploitation exists when sexual gratification exists at the expense of disempowered Hmong American women's and children's lives. The promise of a "better life" for women overseas is a highly complicated matter. Women and girls in the global south make decisions to marry older men from the U.S. for many personal, political, and financial reasons, but some have witnessed that there exists a false promise of a "better life" in return for their sexualized labor. Providing agency to women and their "choices" are indeed a crucial element of feminist theory, but some have argued that such "choices" have unforeseen repercussions that do not account for the heteropatriarchal structure which is condoned within these regimes of transnational sexualized economies. Panhia Lee, a seventeen year-old teenager wrote an article in *HmoobTeen Magazine* called "Transatlantic Marriages," about why young girls in Southeast Asia would marry older Hmong American men, which she writes, "I would have to say that I do understand where they are coming from and why they are doing this. If I was in their position, I would want to come to America because of the great success stories passed down from our parents [...] They did get to come to America, but now they are obligated to many other things such as their husband/wife duties. [...] Coming to the United States may help solve some of their problems but it also creates more."¹⁵⁸ Their "choices" are only choices insofar as the *promise* and *perception* of freedom is available. The larger conundrum that must be addressed concerns how such false promises of wealth translates to the women's agency, and whether she is to bear the responsibility for wrestling with the consequences

¹⁵⁸ Panhia Lee, "Transatlantic Marriages," *HmoobTeen Magazine*, Summer 2009.

of her “choice.”

In the white supremacist view of things, non-white communities are positioned as *more* primitive in their enactments of gender and sexuality because of the lack of resistance from its members in the face of exploitation and dehumanization that its culture “permits.” In this way, the lack of a legible and coherent public discourse about gender and sexual exploitation in Hmong American communities in the early periods of refugee resettlement until the 2000s was used as evidence of Hmong Americans’ inability and unwillingness to address a so-called retrograde culture. The absence of Hmong Americans’ response to the representations and commonsensical knowledge around hyperheterosexual violence then exacerbates their passivity within dominant epistemologies. However, Hmong Americans’ participation and creation of a gender and sexual political discourse in the sex wars is not to respond and “defend” “Hmong culture” from the dominant, white supremacist, allegations. This is evident in a speech given by Vaj at the 2013 Hmong 18 Council National Conference. The Hmong 18 Council is a non-profit organization established in 1975 to help Hmong Americans navigate the changing terrain of “Hmong culture,” respond to issues pertaining to Hmong Americans, and support Hmong Americans in local government. Criticisms directed towards the organization in recent years has focused on the all-male executive board who often speak on behalf of all Hmong Americans in the Twin Cities, and the power and influence that board members retain in their individual clans. It is perhaps the historically male-dominated sphere and the absence of critical conversations around gender asymmetry within the Hmong 19 Council that compelled Vaj to speak about abusive transnational marriages at its conference. She articulated the testimonies of women during the early

periods of Building Our Future, who revealed to her their concerns about abusive international marriages, and their surprising decisions *not* to speak out, at least in the ways we understand the dominant notions of “speaking out.” Vaj states,

Peb sib tham xyoo ntawd mas cov poj niam es mag kev tsim txom no mas lawv tsis kam lees lawv hais tias qhov teebmeem yog dabtsi tiag tiag. Lawv tsuas hais tias kuv tsis mus nrog nej sib tham tabsis thov muab kuv qhov dabneeg no coj mus piav saib nej yuav nrhiav kev pab li cas Hos ib co me tub me nyuam lawv muaj kev nyuaj siab li cas, ces lawv tuaj piav, lawv tuaj piav hais tias qhov teebmeem no yog li no. Kuv txiv mus yuav niam yau tim ub lawm. Kuv niam nyuaj siab, peb los peb nyuaj siab, peb txom nyem ntsuav. Tsis tas li ntawd, kuv txiv tus poj niam kuv txiv yuav tos tuaj ntawd, nws as nyub ib yam li kuv xwb, kuv txaj muag heev. Tsis tas li ntawd, kuv cov brothers thiab sisters lawv txaj muag heev. Ces peb mam sib hais, mam muab cov lus no coj los hais, ces thoob Wisconsin no ces cov poj niam, cov me nyuam no lawv muaj tib qho kev nyuaj siab ib yam li no. Ces peb thiaj muab coj los tham. Ces kuv rau nej hais tias qho no tsis yog kawj ntawm peb cov poj niam tuaj. Peejxwm yeej tuaj nrhiav kev pab. Lawv muaj kev nyuaj siab.

[When we started having conversations that year, the women who were affected, they did not want to confess what the problem really was. They said “We will not be joining you on further conversations, but said please go and tell my story and see what solutions you can come up with.” And some children, they have a lot of pain and stress, so they came and testified, they testified that the problem is this, “my dad went to marry a second wife from afar. My mom is hurt, and we are hurt, we are in poverty. Furthermore, my dad’s new wife that he brought over, is just my age. I am ashamed. Furthermore, my brothers and sisters are ashamed.” So we had conversations, brought up these testimonies in conversations, and throughout Wisconsin, the women and children, they have a pain, and it is this. So we had conversations. So I want to say to you all that this is not something we advocates came up with. The people came to us for help. They have pain.]¹⁵⁹

Survivors and victims are indeed “speaking out” not in the public domain such as at conferences or testifying in court against their abusers, but through their testimonies that they have given to advocates like Vaj. Their “speaking out” is not to a larger public like that of Panyia to the *Washington Post*, but rather to a network of advocates like Vaj. Vaj’s statement reveals how her work, dating back to the early 2000s have involved and engaged women and children who are impacted by abusive international marriages, and

¹⁵⁹ For this and longer speech, see “Part 2: Overseas Intimate Relationships & Its Impact on Families, Kabzuag Vaj,” YouTube video, 8:16, posted by “KUVPAUB,” October 13, 2013, accessed April 1, 2015, https://www.youtube.com/watch?v=Zo_RPlId3F40. Translation provided by the author.

its subsequent effects of gender, monetary, psychological, and emotional neglect and exploitation. In her reference to “the people,” Vaj also reveals to us the internal struggles and conversations that women and children are having with each other and with advocates, not necessarily as a private family affair, but as a systemic phenomenon of exploitation embedded within regimes of power that are now coming to light within heightened globalization. Thus, this form of “speaking out” is as revolutionary as the form of speaking out enacted by Panyia when she decided to sue her former husband and rapist.

Restorative Justice and De-Linking “Hmong Culture”

How is one to stand by when clan systems of conflict resolution itself is highly authoritative and gendered in favor of heteropatriarchy and toxic masculinity? This complicates the notion of a culturally relativist approach to addressing gender and sexual subjugation because it may not necessarily be useful for engaging gender-base violence within Hmong American communities. Feminists cannot do away with universalism entirely because to do so would mean that advocates fall back on cultural relativist approaches that may also be ineffective in the work of social justice. The paradox of feminism is that it cannot use a universalistic or culturally relativist approach to addressing gender subordination. Mainly, this is because patriarchy as a system of gender and sexual subordination, privileges, and exploitation is itself a rapidly transforming constellation of power even within ethnic communities. When feminists advocate for social justice, they may inadvertently send the subordinated gendered subject back into that racial or ethnic community in which the subject was facing subordination in the first

place. Such practices, which do not work for Hmong women, are the system of clan interventions. Many women have detailed the failure of the clan to intervene in cases of gender and sexual subordination. Oftentimes, clan leaders and elders have arbitrated family conflicts, including cheating, domestic violence, polygyny, and financial problems/exploitation. Clan leaders and elders would often rule in favor of the men. The women are advised to “ua siab ntev,” or to have patience. The problem precisely here is that for restorative justice, the subordinated gendered subject can neither appeal to the state nor the minority nation/community.

Over and over again, advocates working to end abusive transnational marriages situate their critique among Hmong Americans themselves, resisting the universalizing techniques that subsumes certain sectors of feminist organizing, while not fully accepting a culturally relativist approach that propagates the violence of ethnic nationalism and essentialism. Indigenous and women of color feminists have for the last three decades tackled domestic violence, gender subordination, and restorative justice within communities of color.¹⁶⁰ Beth Richie in particular has illuminated this critique most poignantly in resisting carceral punishments while resisting the racial purities of ethnic nationalist social organizing.¹⁶¹ Prominent legal scholar and activist Sarah Deer has long advocated for an indigenous jurisprudence redressing rape and other gender and sexual violence against Native women. According to Deer, an indigenous jurisprudence of rape “will be most effective if rooted in tradition and grounded by a uniquely indigenous philosophy that understands the experience of rape on both a micro (individual) and

¹⁶⁰ See INCITE! Women of Color Against Violence, *The Color of Violence: The INCITE! Anthology* (Durham: Duke University Press, 2016).

¹⁶¹ Beth Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012).

macro (community) level.”¹⁶² Utilizing tribal resources such as stories of survivors, ancestral teachings, tribal customary law, and traditional beliefs/oral traditions will aid in the creation of a decolonial and indigenous approach to restorative justice.¹⁶³ Lena Palacios uses the term “transformative justice feminist praxis” to demonstrate the limit of retributive or carceral punishments in providing redress for victims of violence. In this way, transformative justice “seeks to develop strategies to address intimate, interpersonal, community, and structural violence from a political organizing and movement-building perspective in order to move beyond state-imposed, institutionalized criminal legal and punishment systems and professionalized social services.”¹⁶⁴ She argues that the vigilante justice of enacting violent revenge onto the perpetrator is no more useful of a tool for justice than carceral punishment. Ultimately, the work of indigenous and feminists of color and their frameworks of indigenous jurisprudence and transformative justice feminist praxis is about creating structures of accountability within our own communities and neighborhoods that can detect and intercede violence.¹⁶⁵ When Hmong American women revealed to Vaj that they will not actively participate in the conversations, but nonetheless, wished for her to use their stories in her political work, that is a form of feminist collaboration. This is also what Jacqui Alexander and Chandra Mohanty have called a “different order of relationships” within feminist democracies that work to enact

¹⁶² Sarah Deer, “Toward an Indigenous Jurisprudence of Rape,” *Kansas Journal of Law and Public Policy*, 14 (2004), 137.

¹⁶³ Ibid., 138-140. For a longer analysis of colonial violence, tribal legal systems, and restorative justice, see Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015).

¹⁶⁴ Lena Palacios, “‘Something Else to Be’: A Chicana Survivor’s Journey from Vigilante Justice to Transformative Justice,” *philoSOPHIA* 6, no. 1 (2016), 94.

¹⁶⁵ Ibid.

the political work that Hmong Americans have long engaged in.¹⁶⁶

It is worth reflecting how Building our Future has engaged not just women, but also men, in its endeavors. Part of its feminist claim lies in its definition of “survivors” of abusive transnational marriages, which includes *anyone* who has been harmed by the abuses in the practice of international marriages.¹⁶⁷ This definition is broad and can include the child brides who become first or second wives, the first wives living in the U.S., the children, relatives, friends, men, and even Hmong American communities at large, as evidenced by the reports claim that “almost everyone knew someone or had a story; and every story had an impact on several lives.”¹⁶⁸ Part of the contention is that within liberal legal freedom, “justice” is celebrated within the individual or families affected by particular oppressive acts. What Building our Future does is demonstrate that “justice” is not necessarily relegated to the individual child bride, but that justice should be all encompassing for *all* who were harmed by abusive international marriages. This counters Western notions of individual freedom that suggests a neoliberal approach to justice. Furthermore, Building our Future’s campaign moves us towards a justice of social transformation rather than individual retribution. It connects the sexual exploitation and deceit to the the emotional, psychological, and social suffering that first wives, children, friends, and relatives may suffer as a result of a man’s actions to marry a new child bride. This begs the question of *who* exactly is harmed by this practice, and how such a broad definition to include virtually *everyone* in different Hmong American

¹⁶⁶ Jacqui M. Alexander and Chandra Mohanty, “Introduction: Genealogies, Legacies, Movements,” in *Feminist Genealogies, Colonial Legacies, Democratic Futures*, eds, Jacqui M. Alexander and Chandra Mohanty (New York: Routledge, 1996), xxviii.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

communities would be a useful tactic. A limited reading may be to argue that Building our Future's definition of "survivor" detracts from the "real" victim, who is the child bride from Southeast Asia. However, Building our Future deconstructs the hierarchy of oppression by equalizing and recognizing the injuries of all those who are affected by exploitative acts of transnational marriages and polygyny. Furthermore, by forging a collaborative suffering that is not limited to the suffering of women in Southeast Asia, Building our Future sets up a transnational feminist link for a new democracy that again sets a different order of relations between Hmong American women, children, men, and those living in Southeast Asia.

Hmong American women have been deemed as passive victims in these exchanges, or at best assimilated feminists who turn to Western liberalism to bring recourse to their subordination. This has been a classic debate within Asian American gender studies where the notion of betrayal is the most salient in describing Asian American women's decisions to speak out "against the race."¹⁶⁹ Oftentimes, this has turned into a "men versus women" issue where dichotomous framings often fail to capture the complexity of gender and sexual violence faced by women and men, and the myriad ways class, gender, and sexuality are also intertwined. States can also intervene in these instances of gender subordination through defining its modernity against a pathological culture where gender oppression is assumed to fundamentally exist. Leti Volpp's scholarship on the entanglements of race, gender, law, and culture can help illuminate some of these tensions. For Volpp, societies are defined in terms of civil

¹⁶⁹ For readings of betrayal in Asian American women's literature, see Leslie Bow, *Betrayal and Other Acts of Subversion: Feminism, Sexual Politics, Asian American Women's Literature* (Princeton: Princeton University Press, 2001).

societies and non-civil societies. Within civil societies, its peoples are assumed to be citizens who have civil rights, and state violence is considered a violation of such civil rights. In other societies, human rights stand in as its gendered violence and thus are seen as more detrimental and delirious. Non-civil states that perform gendered violence are then cast as exhibiting a pathological culture as it exists within the human itself, whereas civil states who enact gendered violence are cast as failing to act within *law*, and thus can be vindicated through law.¹⁷⁰ The failure of the civil state to bring restorative justice troubles this paradigm of the civil state and non-civil state since it radically calls into question the abilities of the civil state to provide redress for victims of gender exploitation. What this means is that feminism must contend with cultures whose acts may exist in tension with liberal (universal) feminist values while simultaneously craft a different formulation of “woman” and “freedom” appropriate to combating gender oppression within migrant and ethnic populations.

The dominant discourses that I have illustrated in chapter one have represented Hmong Americans within a highly gendered and negative regime of suffering. Such a representation elides the fact that many Hmong Americans have come together to address questions of gender and sexual subordination. When Hmong American men are unilaterally deemed as patriarchal and violent subjects, we elide the complexity within Hmong American communities where they have agency and determination to change the current social conditions through films such as *Yuav Tos Txog Hnub Twg?*. Furthermore, Hmong women and teenagers are casted as hyper vulnerable and highly exploited subjects with no recourse for justice, except for the law. Such a discourse precludes the

¹⁷⁰ Leti Volpp, “Disappearing Acts: On Gendered Violence, Pathological Cultures, and Civil Society,” *PMLA* 121, No. 5 (2006), 1631-1638.

imaginative and activist work that women and girls in the global south and in the U.S. have undertaken for themselves, including speaking out, writing testimonies in magazines, and forging alliances with other Hmong American community members to challenge oppressive social structures. As Vaj has detailed, Hmong American communities acknowledge the racist legal system that too often criminalizes men and boys of color. This had led many Hmong Americans to work towards social transformation on their own terms, defining their own problems, outside of neoliberal regimes of legal and individual justice.

In many ways, this form of “sex wars” is what Duggan and Hunter describes when they say they are “committed to a living relationship between broad political and economic critique, and the production of rhetorics and strategies that can have specific, local, institutional/discursive impact. The challenge we confront is the necessity of intervening from within the uneven developments and contradictions of a capitalist culture, grasping at every opportunity for progressive change, without generating unrealistic (and often tyrannical) fantasies of revolution, or being willing to settle for minor tinkering with the status quo.”¹⁷¹ In a similar vein, Ma Vang’s theorization of Hmong feminist storytelling and practices suggests that we attend to the unsaid moments in testimonies in order to carry out justice for subjugated subjects and to reclaim their agency, despite the face value appearance of its impracticality and inadequacy.¹⁷² Hmong Americans, particularly Hmong American women, have activated a cultural debate well before and beyond the emergence of a “liberated” juridical subject within Panyia. The

¹⁷¹ Duggan, “Introduction,” 4.

¹⁷² Ma Vang, “Rechronicling Histories: Toward a Hmong Feminist Perspective,” in *Claiming Place: On the Agency of Hmong Women*, eds. Chia Youyee Vang, Faith Nibbs, and Ma Vang (Minneapolis: University of Minnesota Press, 2016), 28-55.

enactments of “speaking out” that are interpellated through an advocacy lens is as much a political act as one in which the subject directly “speaks out.” The difficulty of addressing gender and sexual violences, exploitations, and disparities in relation to “culture” in *both* legal-judicial and Hmong cultural nationalistic contexts are difficult. De-linking “Hmong culture” from “criminality” and “sex crimes” is even more difficult. Restorative justice for victims and the de-linking of “Hmong culture” from common sense notions of Hmong American hyperheterosexuality requires that multiple forms of cultural and sexual politics be enacted, particularly within formal advocacy, community forums, and within popular culture and ethnic publications. Thus, while Hmong Americans, children and advocates in particular, need to utilize both formats of social justice, they are cautious of the limits of such strategies.

In returning to the narrations of rapes that I have articulated in chapter one, I want to suggest complications of how not directly addressing gang rapes may be situated in larger Hmong epistemic logics of social redress and reform. As in the examples of polygyny and abusive transnational marriages, Hmong Americans do address rape but in alternative spheres. This mediation is not to be dismissed as merely “private family matters” in the sense of how non-Hmong would ghettoize Hmong American affairs, but a social system of recompense that conducts political work. Surely, in many ways, Hmong Americans are careful as not to further propagate their racialized dehumanizations in the eyes of the U.S. state. Jenkins has alluded to this cynicism of the state through the emergence of a hyperprivate sector of black intimate life.¹⁷³ As Vaj acknowledges in the Hmong 18 Council conference, “Peb yeej paub hais tias peb yog neeg refugees, neeg

¹⁷³ Jenkins, 20.

tawg tebhaws. Ces peb ntshai tsam hais tias tsam peb muab los piav li no ces tsam Miskas ho xwj peb cov neeg ces peb ho raug txim ntxiv thiab [We understand that we are refugees, people who are displaced. So we are scared that if we are to lay all our problems out, that Americans will question us further and then we will get in more trouble].¹⁷⁴ Thus, the activism and social redress *must* occur in different domains as not to further stigmatize and pathologize themselves and be co-opted by the Western gaze.

The selective reforms presented in this chapter are not without its limitations. The lack of conversations about non-heterosexual social relations within polygyny and abusive transnational marriages has resulted in the further marginalization of queer identities and sexualities. Surely, the discourse of hyperheterosexuality purports the hypervisibility of non-normative and “deviant” heterosexual acts, but creates a majorly hyperinvisibility of queerness. Hmong Americans’ responses and engagements with hyperheterosexuality means they desire communal reforms that will move towards social and restorative justice at least for women and children. Polygyny and abusive transnational marriages are extreme perversions that provide little space for democratic moral formations of non-monogamy, intergenerational relationships, or extralegal relations.¹⁷⁵ Furthermore, some responses promulgate a sex-negativity that diverges from Rubin’s radical vision. Activists in Building our Future gestured toward a more democratically moral ethic of sexuality by extending the borders for different sectors of Hmong Americans to participate in crafting out a socially just society outside of judicial

¹⁷⁴ “Part 2: Overseas Intimate Relationships & Its Impact on Families.”

¹⁷⁵ Gayle Rubin in “Thinking Sex” writes that a democratic morality “should judge sexual acts by the way partners treat one another, the level of mutual consideration, the presence or absence of coercion, and quantity and quality of the pleasures they provide. Whether sex acts are gay or straight, coupled or in groups, naked or in underwear, commercial or free, with or without video, should not be ethical concerns,” Rubin 283.

territories. However, I question whether an ethic of queerness can provide a better framework for us. Aside from the abusive and obviously exploitative elements of these sexual activities and formations, Hmong Americans have not fully crafted out arguments advocating for ethical and radical non-monogamous, non-heterosexual, and non-normative social formations.

The extensive attention on sex-negativity and exploitation, while necessary, does not encompass the full potential of reform. Rejecting white supremacist common sense knowledge about a pathological culture that condones gender and sexual violence and makes hypervulnerable and hyperviolent differential gendered subjects in Hmong American communities means Hmong Americans need to craft out creative ways that tackle violence without reinscribing heteronormative, nationalist U.S. discourses. Furthermore, amending “Hmong culture” is only useful as we diverge power from heteronormative “authorities” and “subjects” of Hmong culture, which is the authoritative Hmong American male figure. The realization that “Hmong culture” can, should, and is transforming in accordance to the rise of industrialization and visions of social and restorative justice is the first step in de-essentializing “Hmong culture.” The in-between spaces of testimonies by Hmong American survivors of gender and sexual exploitation are critical in fostering counter discourses about how and to what ends Hmong Americans can reform not just communities but also ideologies. Furthermore taking into consideration a range of archives can further illuminate the ongoing conversations hidden in plain sight which have undoubtedly influenced Hmong American political thought regarding proper gender and sexual relations.

Chapter 3

Legislating Conjugalities: Gender, Sexuality, Belonging and the Hmong Marriage Bills

Hmong American traditional marriages are not legally recognized by the state of Minnesota because Minnesota does not recognize common law marriages.¹⁷⁶ However, Hmong Americans in the late 1980s and early 1990s were encountering numerous obstacles to citizenship and social belonging related to marriage, such as wrongfully filing joint taxes as non-legally married couples. Along with joint taxes, benefits such as health insurance and Medicaid, veteran's benefits, child support and joint parental rights, inheritances, asset division, hospital visitation rights, marital and family leaves, survivor benefits, and pensions are all also complicated since these benefits are intimately attached to legal marriage. In other words, Hmong American traditional marriages are not legally binding within Minnesota's legal systems and do not permit a couple to carry out particular privileges afforded under a legal marriage.¹⁷⁷ Hmong Americans who were in respectable, loving, and long-term traditional marriages were having difficulty accessing the material benefits of marriage under the law because many couples, some of whom are elderly, were not and never legally married.

¹⁷⁶ I will refer to common law marriages in this chapter as "traditional marriages." While "common law marriage" is the correct legal definition of what many considered a "traditional marriage," it further implies that the marriage then is not legitimate, which among Hmong Americans, are considered valid. Thus, what is referred to as their "common law marriage" is actually a valid "traditional marriage" in accordance with Hmong American tradition. I am not using "cultural marriage" as it also implies that they are racially different from a civil marriage.

¹⁷⁷ Brenda Benieck, "From Sib Tham to Mediation: The Shaping of Modus Vivendi," *Hamline Journal of Public Law and Policy* 16, no. 1 (1994), 472-478.

It is within this context that Representative Andrew J. Dawkins, introduced H.F. 91 in the 1991 seventy-seventh Minnesota legislative session. H.F. 91 was the first of a series of bills introduced in the Minnesota legislature by both Hmong American and non-Hmong politicians over a period of fifteen years from 1991 to 2006 that are collectively and colloquially named the “Hmong marriage bills.” H.F. 91 would have permitted Hmong Americans to solemnize their own marriages in accordance with Minnesota law. The bill was designed to impart upon Hmong American cultural practitioners the power to legalize Hmong American traditional marriages so that they could sign marriage certificates for Hmong American couples. H.F. 91 was intended to demonstrate that the law and “Hmong culture” could co-exist.¹⁷⁸ Representative Dawkins’ cited communities such as Quakers, Baha’i, Buddhists, Hindus, and Muslims as groups who are afforded this right of solemnizing and legalizing their own traditional or religious marriages in which Hmong Americans can replicate.¹⁷⁹ Without this bill, Hmong Americans who wished to marry would have to undergo two separate marriage and wedding processes. Hmong American traditional marriage processes usually entail that two individuals perform an extensive and complex marriage negotiation and wedding ceremony, including a formal request from the groom’s family to the bride’s family, negotiation of a dowry (or popularly known as the “bride price”), determination of the costs of the wedding ceremony itself, and several religious rituals to welcome the bride into the groom’s household. However, they must then shoulder the extra measure of signing a marriage license and officiating their marriage in a civil ceremony at a later date in front

¹⁷⁸ Blong Yang, “The Hmong Marriage Bill Action Alert,” *Hmong Times*, February 12, 2004.

¹⁷⁹ H.F. 91, 77th Leg. (1991).

of a state-certified officiator, requiring additional time, money, and inconvenience.¹⁸⁰ For Hmong Americans, both processes are seen as legitimate marriage processes, whereas only the civil marriage is legally binding within the eyes of the state. H.F. 91 would have addressed this issue in order to “bridge” this “clash” by demonstrating that “Hmong culture” could exist under the law.

H.F. 91 mandated that “two Hmong elders” acting as two mej koob can solemnize a marriage. Ultimately, for a marriage to be ensured, a marriage license must be filed with the county, with the two mej koob’s signature, the signatures of the couple, and two witnesses sixteen years of age or above. The two mej koob would have been designated as this officiator who can sign the marriage license and deliver the marriage license to the district court. In Hmong American traditional marriages, a mej koob is a person who negotiates a marriage between the bride’s family and the groom’s family. Oftentimes, there would be one or two mej koob from each side of the family. The mej koob resolves the predicaments of how the bride left her family for marriage to the groom’s family and resolves issues pertaining to clan rivalries or past resentments. Furthermore, the mej koob discusses the exchange of the dowry, in order to ensure that the bride would be treated with respect and love once the marriage is official. The mej koob subsequently negotiates the terms of the wedding ceremony itself, from the purchase of the pig to be used in the fesast, to the selection of songs and poetry to be spoken.

¹⁸⁰ There is also a difference between the wedding ceremony, where it could be considered a religious ceremony, and the marriage itself. The actual wedding ceremony may precede or succeed the signing of the marriage certificate by an officiator at the district court. Some individuals may have been civilly and legally married many months or years before an actual Hmong American wedding ceremony. Hence, the division between civil and legal marriage, and then the commemoration of that marriage through a wedding ceremony, serves as the clear distinction.

Senator Linda Berglin introduced a companion bill, S.F. 107, in the Senate and it eventually received a hearing by the Judiciary Committee on February 6, 1991. During the committee hearing, it was clear that an underlying purpose of the bill was to also facilitate the assimilation of Hmong Americans into a legal conjugal status, extending from the fact that government and social service workers were discovering girls who were involved in so-called “underage marriages.” James Coben, a law professor who has helped Hmong Americans with understanding this bill, testified at the committee hearing, “The idea is, by giving authority to the traditional leaders in the community to solemnize, that carries with it also, the obligation to solemnize appropriately and actually it does provide, if we go down further, criminal penalties if you do choose to solemnize a marriage that is inappropriate [...] I think there’s a genuine interest on the part of the [Hmong] leadership to make sure that they assimilate as best as can be into Minnesota culture and at the same time retain what is best of their own culture. I think that’s a very admirable goal.”¹⁸¹ For Hmong Americans, passing H.F. 91 and S.F. 107 also has gender implications extending from the “inappropriate” marriages within Hmong American society. The question of whether “Hmong culture” is inherently misogynistic is compounded by the question of whether bestowing upon the *mej koob* the power to solemnize Hmong American traditional marriages, and subsequently requiring their obligation to report “illegal marriages” such as underage marriages, can provide freedom to Hmong American women from gender and sexual subordination. Choua Lee, Executive Director of the Lao and Hmong Women’s Association stated at the hearing, “Even in this country, such practice [bride kidnapping and underage marriages] still

¹⁸¹ *Hearings on H.F. 91, Before the Senate Judiciary Committee, 77th Leg.* (1991) (statement of James Coben, Professor, Hamline Law School).

exists because we don't have any law to follow. So a lot of people just do what they feel is right because they have been practicing in the past so they feel that it's right for them to practice what is right for them, that marriage arrangement. And I like to encourage and also to support that, as Hmong women, that we don't have enough saying in the Hmong marriages. With this, making this legalized, perhaps this will eliminate some of the problems for the Hmong women.”¹⁸² Ultimately, both H.F. 91 and S.F. 107 failed to pass in the legislation due the unresolved problems raised during the committee hearing concerning how the *mej koob* can learn about Minnesota laws in regards to “illegal marriages.”

The bills were re-animated a decade later in 2003 and played out until 2006. The focus of this chapter rests on the committee hearings of the twenty-first century versions of the Hmong marriage bills. I seek to understand how competing notions of belonging are articulated in relation to gender, sexuality, and culture as they pertain to the legalization of Hmong American traditional marriages. Ultimately, the contestation over “underage marriages,” an all too common facet of the discourse of hyperheterosexuality that pervades common sense understandings of “Hmong culture” and Hmong gender and sexuality, led to the demise of the twenty-first century versions. Both Hmong American women and men, and non-Hmong were embroiled in a debate about whether “Hmong culture” condoned and perpetuates girls’ victimization through the forced marriages of girls under sixteen, and whether the *mej koob*, an authentic Hmong figure, can be a vehicle to end these gender and sexual exploitations if he were to be subjected to criminalization by “performing” these forms of conjugal relations. Ultimately, as I argue,

¹⁸² *Hearings on H.F. 91* (statement of Choua Lee, Executive Director of Lao and Hmong Women’s Association).

the inclusion of Hmong Americans into the state through recognition of their marriages only serves to bolster the violences and dehumanizing effects of the discourse of hyperheterosexuality in rendering visible the non-belonging of Hmong Americans. Furthermore, the failure of these bills provides Hmong Americans with spaces to experiment with social belonging as they envision new arrangements of assembling gender, sexuality, and “Hmong culture.”

The Politics of Marriage, Citizenship, and the State

Before we proceed, it is useful to detail how it is that marriage, as an institution, has become the desirable location for social belonging. Marriage has been historically promoted and fostered as a citizenship-making-legitimizing process since colonial times. Scholars have demonstrated the centrality of marriage on social life, and have established marriage as both a private affair between individuals or families and a public spectacle. For historian Nancy Cott, marriage represents a connection between the pair and the public, stating, “In the marriage ceremony the public recognizes and supports the couple’s reciprocal bond, and guarantees that this commitment (made in accord with the public’s requirements) will be honored as something valuable not only to the pair but to the community at large.”¹⁸³ The machination of this public announcement secures the approval of superior bodies in legitimating the couple as deserving and lawful recipients of the countless benefits to come. On a larger scale, Cott argues that marriage represents the very making of the nation itself through the regulation of social relations and its subsequent sexual productions. Because of the centrality of marriage to the health of the

¹⁸³ Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2002), 2.

nation itself, marriage-counseling services have been established within the last century in order to rescue deteriorating marriages in what historian Rebecca Davis calls the “search for marital bliss.” Many marriage proponents argue that successful marriages among responsible and respectable adults can “anchor individuals to social values and enable them to set down roots in their communities.”¹⁸⁴ Immigrants who wish to sponsor their spouses to come to the U.S. may do so through marriage, as Italians, Japanese, Korean, and Mexican immigrants have done throughout the twentieth century. Restrictions in immigration policies have especially augmented this subterfuge of marriage as a citizenship gaining-border evasion process.¹⁸⁵

However, not all polities have been included in marriage and its social, cultural, and legal benefits within the state. Slaves in the early American periods were prohibited from legal marriage. Interracial marriage was also outlawed prior to the 1967 Supreme Court case of *Loving v. Virginia*. Lesbian and gay couples have been historically excluded from the institution of marriage as well, up until the 2015 legalization of marriage for same-sex couples through the Supreme Court case *Obergefell v. Hodges*. The heterogeneity of marriages, including child marriages, plural marriages, same-sex marriages, interracial marriages, among others, have been contested for the last three centuries. In this chapter, the issues of child marriages (also colloquially referred to as

¹⁸⁴ Rebecca L. Davis, *More Perfect Unions: The American Search for Marital Bliss* (Cambridge: Harvard University Press, 2010), 9.

¹⁸⁵ Immigration and marriage often go hand-in-hand when it comes to citizenship. For studies about immigration, marriage, and citizenship, see Lucy Slayer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995); Candace Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley: University of California Press, 1998); Martha Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870-1975* (Princeton: Princeton University Press, 2009); Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (New York: Oxford University Press, 2010); Marcia A. Zug, *Buying a Bride: An Engaging History of Mail-Order Matches* (New York: New York University Press, 2016).

“underage marriages”) and polygynous marriages are of most pertinent to Hmong Americans. Over the last century, marriage has been critiqued, expanded, and transformed by feminists, queers, immigrants, and people of color. However, one thing has persisted: that there remains a sustained investment in marriage as a process of assimilation, belonging, and citizenship.

Historically, Americans have accepted the marrying of children up until the late nineteenth century. Lower minimum marriage ages for girls had allowed them to marry before boys. For example, the minimum common law marriage ages of twelve for girls, and fourteen for boys, from the seventeenth century up until the mid twentieth century, afforded girls to transition to adulthood faster than boys while simultaneously exacerbating the age differences of the couple. Differential age limits for when girls and boys can marry were instituted in nearly all states up until the 1970s.¹⁸⁶ Up until the mid twentieth century, according to historian Nicholas Syrett, most of society objected to the marrying of children on the grounds that child marriages have caused injury to her parents in the form of a lost of a labor source for the nuclear family. However, fluctuating perspectives, along with feminist activism, in the mid to late nineteenth to early twentieth centuries shifted the injury of child marriage onto the child herself. This version of opposition gave rise to the notion of “child protection” and the demonization of her parents as “neglectful.”¹⁸⁷ Of course, many reformers who sought to prohibit child

¹⁸⁶ Nicholas L. Syrett, “Statutory Marriage Ages and the Gendered Construction of Adulthood in the Nineteenth Century,” in *Age in America: From Colonial Times to the Present*, eds. Corinne T. Field and Nicholas L. Syrett (New York: New York University Press, 2015), 103-123; Nicholas L. Syrett, “The Contested Meanings of Child Marriage in the Turn-of-the-Century United States,” in *Children and Youth During the Gilded Age and Progressive Era*, ed. James Marten (New York: New York University Press, 2014), 145-165.

¹⁸⁷ See Nicholas L. Syrett, *American Child Bride: A History of Minors and Marriage in the United States* (Chapel Hill: University of North Carolina, 2016).

marriages, or at least to raise the minimum legal ages of consent for sex and marriage, situated their arguments in the protection of the institution of marriage itself. For reformers, children who marry will only degenerate the institution of marriage because they do not understand and/or are not ready for its complexities, functions, and responsibilities.¹⁸⁸ Child marriages continue to persist to the present day. Researchers and scholars working in various organizations and non-profit organizations continue to document the prevalence of child marriages in the U.S. south, including Texas, Oklahoma, Arkansas, Tennessee, and North Carolina among many religious communities, including Muslims, Catholics, Hindus, Buddhists, Sikhs, Orthodox Jews, and Mormons.¹⁸⁹

The transition of attitudes denouncing child marriages, then, has become conflated with a transition towards modernity where the imaginations and materializations of child brides have become relics of the distant (primitive) past. This modernization of American conjugality is concomitantly produced alongside the retreat of Western colonial powers from their colonies that have resulted in the racialized, gendered, and sexualized imageries and representations of cultures of the global south as primitive. Post-colonial periods have brought upon feminist theorists and scholars the issue of gender and sexual exploitation and child marriages among peoples of the global south. Child brides within the global south and among people of color living in the U.S.

¹⁸⁸ Ibid.

¹⁸⁹ For statistics of child marriage based on the 2014 American Community Survey, see David McClendon and Aleksandra Sandstrom, "Child Marriage is Rare in the U.S., Though This Varies by State," *Pew Research Center* (November 1, 2016), accessed May 12, 2017 <http://www.pewresearch.org/fact-tank/2016/11/01/child-marriage-is-rare-in-the-u-s-though-this-varies-by-state/>. Polygamy and child brides are especially well documented within Mormon communities. For more details, see Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002).

have been understood only through narratives of victimization that furnishes common sense understandings about those particular cultures among white liberal feminism. Feminist legal scholars have demonstrated how the metanarratives of victimization work to secure distorted representations of gender and cultural essentialisms of cultures and peoples of the global south.¹⁹⁰ As I have demonstrated in chapter one, the narrative of hypervictim works to secure the child bride as a timeless subject emblematic of an ahistorical “Hmong culture.” Marriage laws throughout the twentieth century have worked to discipline minoritized polities to conform to modernizing perspectives regarding respectable and civilized conjugalities through a discarding of barbaric cultural practices that undermines white, heteronormative marriage and citizenship.

Inclusion into law through marriage would ultimately mean insertion into the nation-state as national subjects and citizens. Ironically, the 1991 bills signaled that the U.S. state saw Hmong American traditional marriages as a valid form of kinship worthy of legal protection and sanction, while simultaneously facilitating assimilation and alleviating the “problem” of Hmong American gender and non-normative conjugalities, especially “underage mariages.” Furthermore, to prove that the law is not racist, it must affirm itself as flexible and open to all sorts of possibilities regarding minoritarian subjects and cultures despite the racist, colonialist, and white supremacist representations of minoritized cultures as essentially antithetical to American legal modernity. Case in point is where Representative Dawkins argued that the Hmong marriage bills would

¹⁹⁰ For critiques of narratives of victimization, see Ratna Kapur, “The Tragedy of Victimization Rhetoric: Resurrecting the ‘Native’ Subject in International/Post-Colonial Feminist Legal Politics,” *Harvard Human Rights Journal* 15 (2002), 1-37; Chandra Talpade Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Feminist Review* 30 (1988), 61-88; Uma Narayan, “Undoing the ‘Package Picture of Cultures,’” *Signs: Journal of Women in Culture and Society* 25, no. 4 (2000), 1083-1086.

ensure that the law could co-exist with “Hmong culture.” In this anti-racist version of the state, or what Howard Winant calls the “racial break,”¹⁹¹ and what Jodi Melamed has described as periods of liberal and neoliberal multiculturalisms, the law sought to rectify its racist and white supremacist formulations of the past. That is, the U.S. recognized that racial equality must be a national and long-term goal if the U.S. was to be legitimated as a powerful nation in the eyes of the rest of the world. Melamed argues these goals were abstracted in accordance with new ideas of what the nation-state should be, and its operation within national security and cultural ideas of “Americanism.”¹⁹²

In the 1990s, Hmong Americans were making news headlines with ideas of a hyperheterosexual-patriarchal-pathological culture that included non-normative sexual acts such as rape, bride kidnapping, and forced marriages. As Hmong Americans witnessed these headlines, they sought to rectify their relationship with the state through legitimating their “culture” in the form of state-sanctioned marriage practices that would equalize and alleviate Hmong American standing within U.S. law from its previous deviancy. To appear as not racist, the state tested its commitment to Hmong Americans by offering to assuage the problems that Hmong Americans have encountered with the law in regards to kinship and conjugal formations. Imparting power onto the *mej koob* to solemnize Hmong American traditional marriages also bolsters the multicultural rhetoric of the state in the post-war periods through the idea that this maneuver also “preserves” the beauty of “Hmong culture.” Both Hmong Americans and the state had something to

¹⁹¹ Howard Winant, *The New Politics of Race* (Minneapolis: University of Minnesota Press, 2004), 15-18.

¹⁹² Jodi Melamed, “Reading Tehran in Lolita,” in *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization*, eds. Roderick A. Ferguson and Grace Kyungwon Hong (Durham: Duke University Press, 2011), 84; Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis: University of Minnesota Press, 2011).

gain by engaging each other in this legitimization dance, despite a complicated mesh of power dynamics.

The Hmong Marriage Bills in the New Millennium

Mee Moua, the first Hmong American state senator in the U.S., was elected to the Minnesota senate ten years later in 2002. Representative Dawkins approached Senator Moua in January 2002 and suggested she re-introduce the bill because it was important to Hmong Americans. She introduced her own version of the Hmong marriage bill, S.F. 3368, in the Senate on February 21, 2002. While it is noteworthy to observe the new ideas that emerged in Senator's Moua re-introduction of the bill, she stated in an interview with several Hamline Law School students that she trusted Representative Dawkins in using her as vehicle to re-introduce the bill without fully considering the complexities and deficiencies contained within it.¹⁹³ The original bill notwithstanding, Senator Moua believed the new iterations will be a positive catalyst within Hmong American communities in a way that legitimates existing marriages and conforms to the law. S.F. 3368 dictated that "two Hmong mej koob," one chosen by the bride's family, and another chosen by the groom's family, should officiate a Hmong American traditional marriage. Because of the centrality of the mej koob to Hmong American traditional marriages, Senator Moua included in S.F. 3368 the presence of *two* mej koob as the legal officiators of the marriage. In a sense, Senator Moua's maneuver advanced greater egalitarianism between the two parties, because both the bride and the groom's

¹⁹³ Amalia Anderson, Taya Moxley-Goldsmith, Patrick Ostergren, "Community, Conflict, and Consensus: Responses to the Proposed Marriage Legislation," (Unpublished manuscript, December 18, 2002), 37.

families would have decision-making powers in selecting their own mej koob. The notion here is that the mej koob would represent the interests of their respective parties, either the couple themselves, or their families. This move was feminist in the sense that it is a straightforward determination of who would select the mej koob, and it sought to improve gender equality through the representation of the bride, groom, and their respective families in the historically male-dominated marriage negotiation process.

Senator Moua's S.F. 3368 also contained a retroactive clause, where marriages that occurred *prior* to the passage of the bill could also be legalized if those marriages occurred in Minnesota and who at the time of their marriage, could contract their own marriage. What this means is that individuals who wished to legalize their current Hmong American traditional marriage would have to be Minnesota residents at the time in which they entered into their traditional marriage, and that they must have complied with Minnesota law of being able to contract to marry. Under Minnesota law, both parties could only contract their own marriage if they are eighteen years old or above, or between sixteen and eighteen years old with the consent of their parents or the courts. Of course, Senator Moua's version of the bill was extremely limited in its scope, both in future and past marriages. The retroactive clause excluded all current Hmong American Minnesota residents, but who were not Minnesota residents at the time of their traditional wedding. It also excluded all those marriages in which both or either of the parties were under the age of sixteen, or those who did not receive parental consent to marry between the ages of sixteen and eighteen at the time in which they entered into their traditional marriage.

Senator Moua's retroactive clause meant that even though a couple is now well into adult age and are happy about the course of their traditional marriage, their traditional marriage cannot be legally recognized by Minnesota on the grounds that they did not meet the terms and conditions in which they can contract their own marriage at the time in which they entered into their marriage. The retroactive clause only validated marriages that were and can already legally exist in the first place (heterosexual, monogamous, of legal age, and are Minnesota residents). The retroactive clause further would not legalize marriages from other states that recognize common law marriages. It is not clear whether a marriage legalized under the retroactive clause then would become legal if the couple were to relocate to a different state. Additionally, it remains unclear whether the retroactively recognized marriage would be acknowledged as legal on the federal level in order for the couple to receive federal benefits like social security. Hmong Americans immediately debated the bill before it was introduced in the Senate. As I will explore later on, the overwhelming disagreements over how S.F. 3368 will incorporate/recuperate marriage, gender, and culture transpired into the demise of the bill altogether. A day after its introduction and referral to the Senate Judiciary Committee, Senator Moua retracted S.F. 3368 from consideration. Senator Moua wrote in the *Asian Pages* about this division within Hmong American communities referring to the tensions of sanctioning a historically patriarchal and patrilineal practice versus including legal provisions to outlaw abuse and violence within marriages. She vowed to work with both sides to address these tensions, stating, "Compromise is the essence of a great policy, and

I believe there is room for compromise on this legislation.”¹⁹⁴ She re-introduced an updated version, S.F. 827, a year later on March 13, 2003.

Representative Cy Thao was also elected to the Minnesota House of Representatives in 2002, and introduced H.F. 707, the companionate version to Senator Moua’s new S.F. 827, on March 6, 2003. Representative Thao’s bill excluded the retroactive clause found in Senator Moua’s S.F. 3368, and made the bill more ambiguous as to who can solemnize Hmong American traditional marriages. In short, Representative Thao’s version of the bill jettisoned the requirement of two mej koob solemnizing the marriage, and instead, simply stated, “marriages may be solemnized among Hmong by the mej koob, according to the form and usage of Hmong culture.”¹⁹⁵ This ambiguity at once, seems to decentralize the mej koob as the subject who can solemnize traditional marriages, but also that Hmong Americans can have more control as to how to solemnize and ultimately legalize their marriages. Hmong Americans also immediately debated the merits and pitfalls of H.F. 707. The contention as to who had the authority to represent the “Hmong culture” in the passing of the Hmong marriage bills was also situated in a paradigm of men opposing women and Hmong Americans opposing non-Hmong. Hmong American women, in particular, were vocal about the purpose of the bill and its potential to alleviate gender and sexual exploitation within Hmong American communities. Their concerns were addressed at the contention that the collusion of “Hmong culture” and law would not assuage underage marriages, forced marriages, and polygamous marriages, seemingly essential to “Hmong culture.” Instead, Hmong American women feared that the bill would at best, fail to provide sanctions for women who are victims of these

¹⁹⁴ Mee Moua, “Hmong Marriage Bill Before Senate,” *Asian Pages*, March 15, 2002.

¹⁹⁵ H.F. 707, 83rd Leg. (2003 - 2004).

practices, and at worst, actually empower these practices in oppressing women. In what started as the premise of how to structure the co-existence of “Hmong culture” within the legal system, the Hmong marriage bills have now proliferated into a conversation about the gender and sexual politics of “Hmong culture.”

Racial and Gendered Conflicts – Testimonies from the Committee Hearings

The House Civil Law Committee conducted a hearing on Representative Thao’s H.F. 707 on March 25, 2003. The hearing included Representative Thao’s explanation of the bill, testimonies from Hmong American community members who both supported and opposed the bill, and questions from the non-Hmong committee members.

Interestingly, in Representative Thao’s defense of H.F. 707, he argued that the bill will benefit Hmong Americans, and casting off his critics that the bill does not address the social ills of illegal marriages in Hmong American communities. He stated,

H.F. 707 will allow members of the Hmong community to solemnize marriages, of marriage ceremonies conducted in the Hmong tradition. Now this will enable the Hmong, the person facilitating the ceremony, called the mej koob, to sign the marriage certificate at the conclusion of the ceremony, much like a priest would for catholic ceremonies. [...] This bill does not exempt the Hmong community from other statutes of the marriage laws. Actually it makes the Hmong community conform into Minnesota marriage statutes. [...] Opponents also say this bill will legalize underage marriages, force girls into marriages. There are statutes in the marriage laws that prohibit these practices. [...] Now under current law, no one can be forced into marriage under section 118.02, titled voidable marriages for persons knowingly officiate and solemnizes and illegal marriage, can be charged with a misdemeanor.”¹⁹⁶

Representative Thao’s testimony reveals the anxieties of Hmong American kinship within law. He evoked the *illegality* of these conjugal practices to ensure that it is clear to the committee that Hmong Americans can be punished for entering into so-called

¹⁹⁶ *Hearings on H.F. 707, Before the Committee on Civil Law*, 83rd Leg. (2003) (statement of Cy Thao, Member of the Minnesota House of Representatives from District 65A).

“underage marriages,” forced marriages, and polygamous marriages. The penal castigations only disciplines assimilation as Thao stated that Hmong Americans will “conform into Minnesota marriage statutes.” Hmong Americans have, since their migration to the U.S, been able to dodge statutes that prohibit “illegal” marriages through entering into common law marriages or extralegal conjugalities. However, their elusion has presented problems of violence for women since it is tied to legal benefits such as inheritance and asset division in instances of divorce or death of her spouse. Representative Thao’s testimony implies that the statutes have “successfully” deterred these practices vis-à-vis penal chastisement when the lived realities of Hmong Americans have proven otherwise. Representative Thao’s testimony is an appeal to, and an extension of, the state, in decrying these illegal social relations, a state in which he is a part of as a legislator.

Two proponents testified on behalf of Representative Thao. Sher Lee, President of the Hmong Cultural Center in Saint Paul, testified, “As a person who grew up in this country, I organize, the Hmong Cultural Center, is to educate the old things to the new people who grew up in this country. And also, teach the old things in this country to the new people so that they can understand it. And as president of the Hmong culture [center], I like to see this bill pass, to maintain the Hmong marriage tradition and also to support this country.”¹⁹⁷ Ai Vang, a private citizen testified, “I am a Christian, and my husband still practice Hmong culture. When we got married, my pastor was not willing to get a marriage license, to sign on the marriage certificate because we go through the Hmong tradition. So the bill will help the couple who going through Hmong tradition,

¹⁹⁷ *Hearings on H.F. 707* (statement of Sher Lee, President of the Hmong Cultural Center in Saint Paul).

and I'm here to support this bill, I think it will really benefit the community.”¹⁹⁸ In many ways, H.F. 707 and the Hmong marriage bills as a whole sought to rectify marriages like Ai Vang's, whose religious officiator refused to sign their marriage certificate and transform the marriage into a legal marriage. However, the testimonies bolster U.S. neoliberal multiculturalism through its investment in marriage as an extension of citizenship making processes, as seen in Lee's testimony that H.F. 707 would help Hmong Americans while simultaneously “supporting this country.” The bill serves the further function of utilizing “Hmong culture” as a “teachable” commodity to those unfamiliar with it while reifying the nation-state as the benefactor of Hmong American assimilationist social belonging.

The bill's opponents included Blong Yang, and concerned private citizens Ka Vang, Pacyinz Lyfoung, and Out Vang. I will return to Yang's critiques later in this chapter, but first, let me recount the testimonies of the three Hmong American women. As a whole, the women criticized H.F. 707 for its lack of input from women. They argued that the bill does little to prevent men from engaging in polygamy, will not deter parties from entering into underage marriages, and will not safeguard girls and women from being forced into marriages. Their critiques as to *who* is forcing and/or being forced into an unwanted marriage is unclear, and whether their critiques of “underage marriages” concern the marriage of two individuals under sixteen, or the marriage of young girls with significantly older men. Nonetheless, their concerns are material in nature, wishing for more language in the bill to provide for steps that victims can undertake when they encounter these forms of exploitative kinships. Ultimately, if the Hmong marriage bills

¹⁹⁸ *Hearings on H.F. 707* (statement of Ai Vang, Private citizen).

affirm that Hmong Americans are to be (already) prohibited from engaging in illegal marriages, what are the additional tools that can be provided to ensure Hmong Americans will *actually* follow the law? Ka Vang began the testimony by articulating her opposition:

I am a Saint Paul resident, a Hmong woman, and an American citizen. I'm here to state that I oppose the Hmong marriage bill. It was very difficult for me to come here today to oppose this bill since so many Hmong women who oppose this bill have been publicly harassed and even intimidated. But I come here at risk, because I don't believe this bill had adequate community input, particularly from Hmong women and the people who really, it affects most, the Hmong mej koob. This bill cannot address a four thousand year old issue such as polygamy, underage marriages, or forced marriages.¹⁹⁹

Lyfoung then stated at length about her opposition:

Will there be money to educate the Hmong community about the new law, to let women know that they have this remedy, to let the men know what the consequences of their actions will be? Will there be money to train the systems, law enforcements, and the court systems about this law, so that it will be implemented and enforced? Will there be money [...] to accommodate all the new cases of men who violate the law and would be punished for breaking this law? What kind of [compensation] will this statute be willing to award to women who have been victimized under the Hmong marriage bills? [...] Without the provisions, this bill cannot deliver on all its promises, and it will just be a mockery giving false hope, and empty promises to Hmong women. [...] It is not possible for this kind of bill to resolve thousands of years of gender inequity. Because it is the shotgun solution to legalize some kind of marriage, and not change the fact that polygamy, false marriage, and underage marriage will still be happening..²⁰⁰

Finally, the hearing concluded with Out Vang's testimony,

I am opposed to the Hmong marriage bill, because the Hmong cultural marriage practices are oftentimes harmful to girls and women. As you've heard the many testimonies, there are underage marriages, forced marriages, and polygamy. The Hmong people come from a patriarchal society, where women do not have much of a voice. [...] If this bill were to pass, how can we expect Hmong women to be treated fairly? This bill does not give accountability to the parents, nor the mej koob, the go-between, who are, by the way, all men. These mej koob can be any men the parents choose. They don't need to have any legal training. And furthermore, this bill does not give the intended parties a say in their marriage, especially the brides, the mej koob and the parents marry them, but she can't really say yes or no. She has no voice.²⁰¹

The testimonies are drastically different from the Hmong Americans who supported H.F.

¹⁹⁹ *Hearings on H.F. 707* (statement of Ka Vang, Private citizen)

²⁰⁰ *Hearings on H.F. 707* (statement of Pacyinz Lyfoung, Private citizen).

²⁰¹ *Hearings on H.F. 707* (statement of Out Vang, Private citizen).

707, albeit both are problematic. Vang, Lyfoung, and Vang's testimonies reveal that they understand marriage as a sexual contract, whereby contracting law and marriage further exacerbates the exploitative aspects of marriage on the basis of gender and sexual differences.²⁰² The understanding of marriage as a sexual contract then goes beyond the specific issue at hand. Rather, because they understand Hmong American traditional marriages to be an inherently patriarchal and oppressive institution, legalizing it means *sanctioning* its exploitative components. Furthermore, it is the hope of the women for the Hmong marriage bills to do more than legalize existing structures of Hmong American traditional marriages. They desired a communal reform where it can make unacceptable conjugalities like that of "underage marriages" and polygamy.

In testifying "against their culture," Hmong American women's concerns may be co-opted by the state, when a non-Hmong committee member remarked to Lyfoung, "What I'm struggling with here [...] Ms. Lyfoung, is our constitution requires that we give equal protection under the law and it occurs to me that in the Hmong culture, there is no equal protection for citizens under the law. And we're struggling with how do we bring this to conclusion where you fall within the constitution and are equally protected."²⁰³ The conundrum here is that to what extent should non-Hmong assist in alleviating the social ills within Hmong American communities? The committee members cannot cohere the notion of community reform in accordance to a notion of justice, rather, invite law as the apparatus of reforming a primitive culture. Hmong Americans are situated as differential subjects both as racially other and ethically

²⁰² For the sexual contract, see Carole Pateman, *The Sexual Contract* (Palo Alto: Stanford University Press, 1988).

²⁰³ *Hearings on H.F. 707* (statement of Dick Borrell, Member of Minnesota House of Representatives from District 19B).

incompatible with the morally righteousness of U.S. modernity. The fact that this is playing out in the committee hearings does little to help the committee members situate social reform outside of law. Thus, while those who supported H.F. 707 situated their testimonies within a framework of neoliberal multiculturalism where “Hmong culture” is the site of a secure location for respectable married citizens, the opposition situated their critiques in “Hmong culture” as a site where gender and sexual exploitation is institutionally sanctioned, and its sanctioning will be undeterred by the passage of H.F. 707.

The Senate Judiciary Committee heard Senator Moua’s S.F. 827 on April 8, 2003. Several opponents were present, most notably Ilean Her, the Executive Director of the Council on Asian Pacific Minnesotans. Her’s testimony is similar to that of the previous women from the hearings for Representative Thao’s H.F. 707. Her desires a pathway for women and girls to rectify the violence of exploitation within “underage” and polygamous marriages. That pathway may be in the form of mandating that the mej koob be obligated mandatory reporters of illegal marriages that he himself has performed, or that which he knows another mej koob has performed. Her stated, “The reality is that the form and usage of Hmong culture, results in the underaged, forced, and polygamous marriages that are real in the community, that do in fact happen. [...] My concern is that, sometimes, it is not people’s desires and it is not people’s will. But it is done to them.”²⁰⁴ Her’s testimony reveals the ways bestowing the mej koob with solemnization powers *reifies*, rather than *rectify*, the contractual oppressions of marriages. However, Her also essentializes the “form and usage of Hmong culture” as fundamentally exploitative and

²⁰⁴ *Hearings on S.F. 827, Before the Committee on Judiciary*, 83rd Leg. (2003) (statement of Ilean Her, Executive Director of the Council on Asian Pacific Minnesotans).

misogynistic. Her continues to testify on behalf of the state, which renders her testimonies as problematic, as they continue to be used to justify and legitimate a pathological and essentialist hyperheterosexual culture.

The opening up of “Hmong culture” in this way forced Senator Moua to “clarify” the purpose of S.F. 827 in a lengthy proceeding that saw the committee members positioning Senator Moua as the expert and defender of “Hmong culture.” Moua was called upon by Senators Neuville, Skoglund, and Marty to “explain” how “Hmong culture” would be changed through the addition of particular provisions within S.F. 827. Senator Neuville, opposed to polygamy and plural marriages in both the “legal” and “traditional/unofficial/common-law” sense, asked Senator Moua, “How would your culture react if the bill said, once you have a marriage solemnized through the cultural method that was authorized, you can’t have, not only can you not have anymore legal marriages, but you can’t have any more traditional, non-solemnized ones either, between the same people?”²⁰⁵ He positioned Senator Moua as a statesperson initiating a bill, but also as an authentic voice who can speak about the prohibition of a plural social relation *within* Hmong American society who sits outside of the state. Senator Moua and Representative Thao are originally state officials, but become non-state, authentic subjects informing the state about racialized others. Neuville’s question, borne out of a longer hearing on his opposition regarding plural marriages, enacts the device of making illegible social relations that are both formally and informally plural. Thus, while law does not prohibit the formation of common-law or plural “unofficial” marriages, Senator Neuville enacts a maneuver to suggest that plural marriages within both legal *and* non-

²⁰⁵ *Hearings on S.F. 827* (statement of Thomas M. Neuville, Member of the Minnesota Senate from District 25).

legal domains be prohibited.

Frustrated by the repeated accusations by the Judiciary committee members that this bill does not address, and also sanctions, the ailments of “underage marriages” and polygamy, Senator Moua exclaimed:

I’m not saying that [underage marriages and polygamy] happen. I’m saying that I have concerns about it, and I’m saying this is one avenue that we can create a legitimate alternative to allow the conversation to start where we can refer to the law and say this can’t continue. I am not a proponent of “polygamy” in my community, nor am I a proponent of “underage marriages” in my community. I am actually one of the most outspoken peoples in my community given my position, to try to change it. So don’t mistake my discussion, but I also want to let this committee know, and the people who want to be on the record and the people who are here to hear this, is that, the Hmong culture is not, Hmong marriages are not all about underage marriages and polygamy. That is a very very minor aspect of it, and yet that’s the aspect that gets talked about, gets reported in the newspapers, and gets really, all of us going as we start looking at it.²⁰⁶

Senator Moua’s exclamation reveals the power of the discourse of hyperheterosexuality within the social imaginations of both Hmong Americans and non-Hmong. So-called non-normative conjugalities such as plural marriages and social relations and marriages of young boys and girls comes to stand in for “Hmong marriages” even as the original concerns of the Hmong marriage bills were targeted towards normative marriages involving heterosexual, monogamous, adult couples who were in a long-term Hmong American traditional marriage. She also recognizes the discourse of hyperheterosexuality proliferated within newspapers and other media outlets that work to distort Hmong American social relations. Senator Moua directed the comment that “Hmong marriages are not all about underage marriages and polygamy” to everyone who was present and on record at the hearing, including Hmong American opponents of S.F. 827. Furthermore, Senator Moua shares the concerns of community reform, but rather, understands the Hmong marriage bills as a system of incremental justice towards communal reform and

²⁰⁶ *Hearings on S.F. 827* (statement of Mee Moua, Member of the Minnesota Senate from District 67).

social justice for Hmong Americans to claim citizenship and social belonging. That is, Hmong American heterosexual, monogamous couples should be the first recipients of the benefits of legal marriage and thus will facilitate their assimilation into heteronormative and capitalistic social relations. In this way, Hmong Americans may begin to understand that social, financial, and economic capital are attached to *only* this particular form of social relation, and thus assimilate out of non-normative (and economically non-beneficial) conjugalities like “underage marriages” at a later date in order to furnish community transformation.

Paradoxically, the Hmong marriage bills generated further problems rather than resolving what it sought to rectify in the first place. A non-Hmong Minnesota Senator, Wesley Skoglund, took a step beyond the provisions provided by Senator Moua and Representative Thao. In the 2006 legislative session, Senator Skoglund introduced S.F. 2403 in the Minnesota Senate that sought to curb “underage marriages” in Hmong American communities that he argued could actually result from the passage of Senator Moua’s and Representative Thao’s bills. He argued that he acted on behalf of his own Hmong American constituents who advanced this particular concern to his attention, most notably Ilean Her. Four amendments were proposed in Senator’s Skoglund’s S.F. 2403 that highlighted the fraught and precarious conditions of “Hmong culture,” particularly, that of sexuality within law. The amendments were, 1) the mej koob would have to be mandatory reporters of the marriage which they solemnized, 2) accountability measures specifically for the mej koob, which ensures that the mej koob must know Minnesota laws regarding “persons capable of contracting” and “prohibited marriages,” 3) Hmong marriages would have to comply with Minnesota law and explicitly states that

the mej koob cannot solemnize “underage marriages,” and 4) redefine child “neglect” broadly to include that which a parents allow a child to enter a marriage without the child’s consent,” including the usage of culture or religion to do so.²⁰⁷ In many ways, S.F. 2403 mirrored the original concerns of the committee members in the 1991 legislative committee hearings. The Judiciary Subcommittee on Family Law heard Senator Skoglund’s S.F. 2403 on March 3, 2006. Senator Skoglund articulated the reasons behind introducing his amendments, “There’s been a real tragedy of underaged girls being married. Girls who are thirteen, fourteen, fifteen years of age being married to men two, even three times their age in the Hmong community.”²⁰⁸

Committee members once again relied on Her to reveal the truths of “Hmong culture” when considering whether Hmong Americans girls under the age of sixteen give consent to her marriages. A committee member asked, “Ms. Her, in the Hmong culture, can thirteen or fourteen year-olds give consent? Are they deemed old enough to give consent for marriage?”²⁰⁹ Her revealed to the committee that within Hmong tradition, girls and women’s consent is not required for her to enter into a marriage. Her stated, “A woman does not have to consent, and her consent is not even sought. Her family does the negotiating for her. And I have seen, and I’ve witnessed where a woman, not just a teen, teens and older women, where they do not want to enter into marriage but because the family thinks it’s in the best interest of the young girl, maybe she’s pregnant, maybe she

²⁰⁷ S.F. 2403, 8th Leg. (2006).

²⁰⁸ *Hearings on S.F. 2403, Before the Judiciary Subcommittee on Family Law*, 84th Leg. (2006) (statement of Wesley J. Skoglund, Member of the Minnesota Senate from District 62).

²⁰⁹ *Hearings on S.F. 2403* (statement of Thomas M. Neuville, Member of the Minnesota Senate from District 25).

went out late with a boyfriend, and she doesn't want to get married.”²¹⁰ Her is situated as the expert on “Hmong culture” although she was representing the Council on Asian Pacific Minnesotans. Furthermore, the lack of knowledge on the part of the committee member reveals that a particular form of hyperheterosexual common sense is circulated, even though it leaves more questions for non-Hmong than it does answers. Ultimately, Senator Skoglund’s S.F. 2403 is also about saving women and girls from their culture, as he ends the hearing by stating, “We’re going to be helping some young girls so they can grow up with careers, futures in America. I have gone to several [Hmong community] meetings. I’ve been to a meeting, I couldn’t tell you, one hundred-fifty, two hundred people were there. [...] And when I left, three young women followed me down the steps and they’re chasing me. [...] Well they’re college women. And they were telling me you’ve got to keep on doing this, you’ve got to save these girls, you’ve got to do this, their futures depend upon it.”²¹¹ The usage of educated Hmong American women’s insistence that he be the one to save young girls from being “married off” absolves him of perpetuating rescue narratives about hypervictimized Hmong American female subjects while establishing the space in the committee hearing for the continued demonization of “Hmong culture” as a location of hyperheterosexual violence. Rescue narratives work here because they are borne out of a longer history of very young Hmong American girls as hypervictims of a pathological culture, and law and criminalization comes in to stand as the sole location of justice for girls.

In a subsequent *Minnesota Public Radio* article, Senator Skoglund stated, “[The Hmong marriage bills would] give [the mej koob] the authority to marry, but then with

²¹⁰ *Hearings on S.F. 2403* (statement of Ilean Her).

²¹¹ *Hearings on S.F. 2403* (statement of Wesley J. Skoglund).

that authority, give them the same responsibility that every pastor, rabbi, everybody else who has the authority to perform a marriage has. They must become mandatory reporters. [...] These 13-year-olds, 14-year-olds and 15-year-olds are being forced into marriages that we wouldn't allow anybody else in our society to have to go into. I'm saying it's wrong and we should stop it."²¹² In the amendments, polygamous marriages are also "prohibited marriages." Here, Senator Skoglund assumed that allowing Hmong American traditional marriages to exist as a legal practice would simultaneously sanction illegal (and immoral) practices such as underage and polygamous marriages. Furthermore, Senator Skoglund's amendments added extra-judicial reminders for the mej koob, and adjoined extra-reminders for parents who "neglect" their children through the usage of their own culture. In short, the mej koob and parents are tasked with knowing and understanding Minnesota legal codes around marriage and child neglect beyond what is already commonly known. The mej koob had to be *experts* of Minnesota state law regarding marriage if they are to become officiators of Hmong American traditional marriages. The amendments suggested that mej koob and parents need *extra* reminders *not* to participate in underage marriages, otherwise they *will* participate in it. Some members argued that this was not an undue burden unique to Hmong Americans as committee members later justified these provisions stating that solemnizers of *all* backgrounds must understand Minnesota laws regarding persons capable of contracting a marriage.

Two final hearings occurred on April 3 and 6, 2006 regarding a companion bill to Senator Skoglund's bill, introduced in the Minnesota House by Representative Michael

²¹² Toni Randolph, "Hmong Legislators Say Cultural Marriage Bill is Unnecessary," *Minnesota Public Radio News*, March 20, 2006.

Paymar. This bill was H.F. 3674, the final iteration of the Hmong marriage bills. In the hearings, Representative Thao, Her, Yang, and concerned Hmong American community members testified both in support and opposition of the bill, often reiterating the same narratives in the previous hearings. Representative Paymar mirrors Senator Skoglund's perspectives on the protection of Hmong American girls from her culture, "Our intent is to protect underage people, and especially girls, in the Hmong culture from being forced into marriage. [...] While I do not want to impose my views on any culture, people of any culture who reside in our state are expected to comply with our laws. While we are a quilt of woven cultures, and while we respect individual customs, the state has a duty to ensure that our children are protected."²¹³ The discourse of hyperheterosexuality is powerful in this session because it creates the fictitious image of Hmong American girls as hypervictims who are ubiquitously oppressed by their families and the "Hmong culture." In the most extreme cases, the non-Hmong senators also point out the criminal prosecutions of Hmong American men who are in their twenties who do have sex with their wives who are under the age of sixteen. However, the criminal prosecution of Hmong American men who have sex with women and the criminalization of the me j koob who "knowingly" solemnizes a marriage of a child under the age of sixteen, does little to provide redress, comfort, or justice for the victim herself, although Senators Skoglund and Paymar argued are preventative measures to "underage marriages."

Hmong Americans had become increasingly frustrated at the repeated essentialized accusations of their "culture" as inherently exploitative and as condoning practices such as "underage marriages" and polygamy. Furthermore, they have been

²¹³ *Hearings on S.F. 3574, Before the Committee on Civil Law and Elections*, 84th Leg. (2006) (statement of Michael Paymar, Member of Minnesota House of Representatives from District 64B).

compelled to continuously defend the “Hmong culture” from interpretations of the “bride price” as a facet of gender exploitations and “girl selling” within marriage. Senator Moua and Representative Thao had grown to resent the Hmong marriage bills altogether, with Representative Thao proclaiming during the committee hearing, “Throughout our history, two things that people are willing to die for: land and religion. Now this country was founded by people who left because they were prosecuted by their religious beliefs. And I strongly feel this bill attacks my religion.”²¹⁴ A Hmong American attorney testified at the committee hearing, and stated, “We’re not here for early marriages. No one wants that. Ms. Her is an attorney. She’s Hmong as well. But she has never been forced to marry. She’s an attorney and well successful. My sister is an attorney. Senator Moua is an attorney. If the Hmong were that oppressed about women, these young professionals would never be here today, or be successful if they are.”²¹⁵ Furthermore, the conflicting testimonies of the state’s testifier Her and that of several Hmong American male community members, including Representative Thao, furnishes the instability of “Hmong culture” and its regulations regarding marriage, gender, and sexuality. For Her, the mej koob represents a central figure who can and is involved in the negotiations of “underage marriages,” whereas over time, Representative Thao and other Hmong American community members have proclaimed that the mej koob is marginal to a marriage ceremony. This shift from the desire to imbue the mej koob with legal solemnization authority, to now declaring that power is unnecessary *because* the mej koob is *actually* peripheral within the marriage ceremony represents Hmong Americans’ attempts to derail the attention of how a culturally authentic figure such as the mej koob represents the

²¹⁴ *Hearings on S.F. 3574* (statement of Cy Thao).

²¹⁵ *Hearings on S.F. 3574* (statement of Sia Lo, Attorney for the Hmong Council).

gendered and sexual oppressions within the “Hmong culture.”

The confusion for non-Hmong (and perhaps for the media) lies in the ways in which Hmong Americans are articulating the instability and flexibility of their culture. For subjects like Her and Representative Thao, the contestation also relied on who is the more “authentic” Hmong voice, each contradicting the other on the “truth” of how Hmong American traditional marriages and wedding ceremonies are executed and the ultimate role of the mej koob within the said procedures. This attempt at recognizing Hmong American traditional marriages turned out to be more complicated than what Hmong Americans had hoped for. The Hmong marriage bills inevitably failed altogether within Minnesota’s legislature due to disagreements about whether to include the amendments proposed by Senator Skoglund and Representative Paymar. At the final hearing on April 6, 2006, Representative Thao requested that the committee downright table the Hmong marriage bills until Hmong Americans themselves have deliberated about how to move forward. It remains unclear whether further conversations took place within the legislature or within community forums, thus, essentially killing the Hmong marriage bills altogether.

The inclusion of Hmong American mej koob into a system of *accountability* relies on a biopolitical framework that enacts a tight control over who can and cannot legitimate Hmong American conjugality. Furthermore, bestowing legal powers onto the mej koob is not so much a way of giving Hmong Americans power to define their self-determination. Rather, the state continues to enact biopolitical control over Hmong Americans and regulates what power is acceptable and what is not. The state holds onto its power despite its rhetoric of the equalization of power in “co-existing” with Hmong Americans. Of

course, the state (and multiple competing states, at that) has historically been interested in the marital statuses (and non-marital statuses in the case of divorce) of its citizens, as legal scholar Brian Bix has shown. However, the biopolitics enacted by the state, according to Bix, is as incoherent as it is inconsistent in many jurisdictions and local courts.²¹⁶ Hmong American kinship and conjugal relations here are not merely a notion to be resolved and included into law as Senator Moua and Representative Thao had hoped. The haunting of Hmong American sexuality as oriental and thus incapable of existing within U.S. law (unless made criminal through biopolitics) points to the perception that Hmong American sexuality is deviant, and that Hmong Americans will take up opportunities to enact such deviancy. The bill has now turned from wanting to include Hmong American traditional marriage and sexuality into law, as it simultaneously marks the impossibility of Hmong American marriage and sexuality within law. If Melamed is correct in detailing the state's ability to include minority polities into its national culture, then there is a lack of accountability for the impossibility of Hmong Americans to be subsumed within law. This contradiction marks the concurrent state of Hmong American escapability within law, at least within the realm of marriage.

In many ways, the legislation of the Hmong marriage bills resignifies gender and sexuality within Hmong American communities back into public discourse and domains. In what is supposedly an act to alleviate the "private" matters of conjugal formations and its subsequent attending benefits that come with marriage, the conversations about Hmong American marriages, gender, and sexuality are ironically very public. It is fascinating to the dominant class the sensational aspects of gender and sexuality within

²¹⁶ Brian Bix, "State of the Union: The States' Interest in the Marital Status of Their Citizens," *University of Miami Law Review* 1 (2000), 26-29.

minoritized racialized others. We derive a great mixture of pleasure and disgust from viewing and thinking about gender and sexuality in American culture, depending on whether the object of viewing and thinking is considered normative, deviant, or perverse. In turn, racialized gender and sexuality becomes a neverending spectacle of otherness. The Hmong marriage bills allowed for the ongoing debate, but also the display, of Hmong American gender and hyperheterosexuality for all to view and think about. In the Foucauldian sense, power is enacted over and over again through a series of confessional regimes, here, where Hmong Americans must continually confess and address the perversities of hyperheterosexuality in the form of underage marriages in the service of the state. Sex is proliferated through these confessional apparatuses rather than being contained. Hmong Americans are subjected to a voyeuristic regimen from the state, where it is not that the state can absolve and resolve, but rather, that it remains unresolved for the purposes of voyeurism and enabling a spectatorship of viewing and talking about the genders and sexualities of racialized others. When the bills come up for debate, it again enters a confessional command where Hmong Americans must disavow that these gender and hyperheterosexual practices are unacceptable, but nonetheless are recuperated into this system of viewing and talking that ultimately casts them as inassimilable.

It is extremely significant to highlight the importance of this debate, particularly as it concerns Hmong Americans themselves who are shaping the discourse around gender, sexuality, and cultural and communal reform. When Hmong American politicians implement legislative powers to shape discourse, the power is significantly shifted towards Hmong American self-determination to influence the future directions of their communities. It also invites Hmong Americans to contribute anti-racist conversations to

the discourse, and allows them to discuss the techniques they think are best for addressing community problems outside of a pathological framework of “Hmong culture.” In essence, the Hmong marriage bills sought to rectify legal barriers to Hmong American livelihood and kinship. Hmong Americans who desire community reform see inclusion into the law as a means to address the disjuncture between “culture” and law and a means to access the capitalistic rewards of marriage. Moreover, Hmong Americans want acknowledgment that their culture is meaningful, legitimate, and valid and should be respected by politicians and non-Hmong Americans alike. Ultimately, however, due to the irreconcilability among both Hmong Americans and non-Hmong alike, the Hmong marriage bills failed to pass during Senator Moua’s and Representative Thao’s tenure in the legislature, and remains unresolved just like its 1991 predecessor.

The Politics of a Legal Paradox, and the Question of Assimilation

Blong Yang, an attorney who followed the Hmong marriage bills closely, illuminated the legal paradox of the bills clearly by arguing that the regulation of “underage marriages” and “polygamy” were, in fact, impossible. In a 2004 *Hmong Times* article, he argued that such structures of kinship do not exist within Minnesota law, and thus the law itself cannot regulate what does not exist within itself. Yang argued at length,

There is no doubt that polygamous marriages occur in the Hmong community. However, these polygamous marriages are outside of the law. To be more precise, these Hmong polygamous marriages should be called “culturally polygamous marriages” because they are not illegal. Instead, they are recognized by the Hmong community as polygamous, but according to the law, they do not meet the legal definition for bigamy. In many situations, these Hmong polygamous marriages consist of a legal marriage and a cultural marriage. In Hmong eyes, a legal marriage and a cultural marriage equal polygamy. However,

according to the law, a legal marriage and a cultural marriage do not equal bigamy [polygamy].²¹⁷

The legal definition of marriage in Minnesota already prohibits Hmong Americans from engaging in bigamy, because it defines bigamy as a person engaging in two *legal marriages*. Bigamy, rather than polygamy, is the legal term in which an individual enters into a marriage with an individual while legally married to another individual. However, “bigamy” can and does transpire among Hmong Americans vis-à-vis a legal marriage and a traditional marriage, or two Hmong American traditional marriages, both seen as legitimate forms of marriages by Hmong Americans. Katharine Charley and Anika Liversage have illuminated similar marriages among Pakistani and Turkish Muslim migrants living in the United Kingdom. They show that Muslim migrants enact formal and informal (or de facto) forms of polygamy using both religious and state-sanctioned institutions. Migrants then can use travel to and from Europe and Pakistan as ways to enter polygamous marriages, which can occur through a religious *and* state-sanctioned marriage, or two state-sanctioned marriages within two different nation-states (de jure “technical” polygamy). In certain situations, Muslims would rather follow religious law, and circumvents state laws in ways that will allow them to follow religious laws. Thus, English laws are not the *sole* determinants of intimate relations, as is with U.S. law.²¹⁸ Thus, de facto marriages eludes de jure marriages, constituting “bigamy,” but not in the legal sense within the parameters of a singular nation-state.

²¹⁷ Blong Yang, “Hmong Sins: Polygamy and Underage Marriages in the Hmong Community,” *Hmong Tribune*, April 2004.

²¹⁸ Katharine Charsley and Anika Liversage, “Transforming Polygamy: Migration, Transnationalism and Multiple Marriages Among Muslim Minorities,” *Global Networks* 13, no. 1 (2013), 60-78.

According to Yang, the law only recognizes the legal marriage and denies the existence of the traditional marriage altogether, thus, making non-existent the bigamous/polygamous marriage. In much of the same logic, an “underage marriage” cannot exist *at all*. There is no such notion within U.S. law as “underage marriages” because it *voids* the marriage of anyone less than sixteen years of age. However, individuals who are “underage” (meaning less than sixteen years old) can and do enter into a marriage within Hmong American communities through a traditional marriage. The regulation of “underage marriages” then do not necessarily attempt to rectify existing law to prohibit such marriages, but rather, are attempts to use law in order to prohibit it *within Hmong American society* altogether. Sexuality and kinship in the form of “polygamy” and “underage marriages,” while already prohibited or made non-existent within standing U.S. laws, are nonetheless, conjured as threatening and existing as a hypervisible and definite realities for “Hmong gender and sexuality.” The non-recognition of these conjugal forms nonetheless continues to define Hmong American marriage and sexuality because law, and other dominant institutions like media, make visible the *common sense* ubiquity of these forms of kinship, even though they do not exist within formal law. Because the law does not recognize the *existence* of particular practices, it simultaneously cannot regulate something that is legally *not there*. “Hmong culture” and other “orientalist” cultures do not exist under the law because they do not conform to legal/Western standards of humanity. The possibility of accepting and dealing with legitimate “differences” in the case of diversity is then unachievable in this framework.

Yang understood the state as engaging in racist behavior when it sought out to curb what is *already non-existent* within the law. When all Americans, including Hmong

Americans, are already legally prohibited within the scope of these illegal kinships, why bring it up in a legal argument if not to single out Hmong Americans for their *traditional* practices? Attorney Yang grasped this contradiction as noteworthy in separating the law from the “culture” and he further argued for Hmong Americans to take the matter into their own hands. He stated at length,

My only allegiance is to “the best interest of the Hmong community.” I want a Hmong community that respects the rule of law. There is room for the Hmong community and its customs and culture to exist in the legal system. The legal system can and does respect the Hmong community and its customs and culture. However, the legal system does have certain fundamental concepts that must be followed. The Hmong community cannot be above the law nor can it be outside of the law. It must seek to know the law and it must not see the law as something foreign or something to be feared. When the Hmong community avails itself to the rule of law, it will be better off.²¹⁹

Yet, the law has its own limitations. Because law itself is implicated within regimes of heteronormativity and racial injustice, it cannot be a complete site which Hmong American kinship can be validated. I diverge from attorney Yang’s argument that the law has fundamental concepts that must be followed. While Yang argues that the law “does respect the Hmong community and its customs and culture,” it also does not/cannot validate Hmong American kinship as valid forms of intimacy, love, or human relations within its frameworks of (neo)liberal humanity. Scholars have long documented the stipulation of law as exceptional and violent. In fact, law as a system of control has its weaknesses when considering how to negotiate and assess the precarities of particular subjects.

Hmong Americans as refugees in the U.S., but also with encompassing unassimilable and non-legal sexualities and kinships, cannot be reconciled within sexual citizenship. The law has historically been unable to reconcile peoples such as refugees

²¹⁹ Yang, “The Hmong Marriage Bill,” 2.

who radically call into question the state and the law itself while simultaneously situates itself within it. However, as time goes by, the state has become naturalized as self-evident, whereas polities that do not fit within its structures are deemed as deviant or strange. Of course as an attorney who has a particular investment in law, Yang envisions that law can be the site to which safety, inclusion, and even validation can occur. In fact, the law's attempt to recognize the validity of Hmong American traditional marriages speaks to its flexibility, although inevitably, it fails to provide the inclusionary citizenship it professes.

Yang does not engage the ideological and epistemological discourse that which undergirds Senator Skoglund's amendments to proclaim its regulation of "underage marriages" in the first place. His argument rests solely on rejecting the legal claims to which the senators are accusing of "Hmong culture," to which attorney Yang contended is not an argument at all because it does not exist legally. To bring up the legal aspects of underage marriage and polygamy meant the senators and the law itself is racist. Nonetheless, Yang agreed with the senators about the condition of "underage marriages" and polygamy in and of itself as inherently wrong, when he argued "We as a community must come to the understanding that culturally polygamous marriages and underage cultural marriages are WRONG! [...] Although the law may not cover these types of marriages, we as a civilized Hmong community must not allow these types of marriages to occur."²²⁰ "Hmong Culture" is the site in which Hmong Americans have the power to shape their practices without the interruption of law, since law is already a voided site in the first place. My contention here is that Yang's articulation suggests Hmong Americans

²²⁰ Yang, "Hmong Sins."

have the power to shape their approach to sexuality free from law, but nonetheless upholds what the law seeks to prohibit in the first place. To render conjugality as a “choice” to which Hmong Americans can make *within the confines of a morally righteous law* does not reject the claims of the law, but rather, reifies its regulatory, biopolitical powers.

Altogether, the Hmong marriage bills and its focus on (and targeting of) “Hmong culture” also falls within what legal scholar Leti Volpp has argued as a form of assimilation. Volpp argues that using the notion of “culture” is not necessarily aimed at changing the culture itself, but rather at assimilating immigrants. She examines the notion of arranged marriages to cement her argument. Within arranged marriages, Volpp urges us to examine that it should be looked at as a form of *entering into* a marriage, much like how the television show *Married by America* is a form of arranged marriage. Furthermore, states urges immigrants to discard their practices of arranged marriage as a way of assimilation, or even limiting immigration altogether, rather than denouncing the practice itself. Because people may use arranged marriages to gain citizenship, Volpp argues that “arranged marriage functions as a particular trope for immigrant culture; restricting arranged marriage has worked to restrict minority communities from gaining citizenship.”²²¹ She argues that Mormons who do practice arranged polygamous marriages are talked about as religiously different, whereas communities of color are talked about as ethnically different. This functions in a way where states can

²²¹ Leti Volpp, “Engendering Culture, Citizenship, Identity, and Belonging,” in *Citizenship, Borders, and Human Needs*, ed, Rogers M. Smith (Philadelphia: University of Pennsylvania Press, 2013), 185-186.

accommodate certain groups but not others in their practices, and allows for states to determine which groups are assimilable and which are not.²²²

The media headlines that purport Hmong Americans as pathological subjects gives credence to the assimilationist argument presented by non-Hmong. The testimonies of the state and that of Her divulge how assimilation comes to stand in after the revealing of the “Hmong culture.” Her inadvertently mentions the “bride price” when she was discussing a Hmong marriage ceremony, in which a committee member asked her to clarify the sum of the bride price, to which Her answers, “Four to seven thousand dollars.” A committee member Representative Rob Eastlund responds, “The last thing that I just want to comment on is the four thousand, the seven thousand average payment. I mean, I understand that cultures are different. But we don’t buy and sell people. And I really am struggling with issue, personally. I just think that’s just a huge issue that we need to address it. The way I see it is, if Hmong people want to be part of American culture, maybe that’s the part of their culture they’ll have to leave behind.”²²³ The Hmong marriage bills are designed to transport Hmong Americans into a modernity vis-à-vis assimilation so that they can be included within systems of racial and heteronormative capitalism. The “bride price” that is part of a Hmong American traditional marriage is an unacceptable form of monetary and capital exchange (albeit distorted as a form of capitalistic gender exploitation), but the benefits and capital attached to marriage, are uphold as inherently moral, natural, and desirable.

²²² Ibid., 191.

²²³ *Hearings on S.F. 3574, Before the Committee on Public Safety Policy and Finance*, 84th Leg. (2006) (statement of Robert B. “Rob” Eastlund, Member of the Minnesota House of Representatives from District 17A).

Hmong Americans can construct and attach new meanings to various formats of conjugalities in lieu of the changing notions of “culture.”²²⁴ This is certainly true and points to the flexibility of “culture” as well. Newer generations of Hmong Americans living in the U.S. will be able to amend the use of “culture” in respect to systems of kinship using U.S.-based legal and moral codes. However, we must ask ourselves if simply changing “culture” is enough here. Does availing to the law in hopes of reforming a retrograde culture the right argument for countering systems of racism? And if so, what are the stakes for Hmong Americans in this sense? Yang acknowledged that the law is not yet capable of managing these formations, which then gives Hmong Americans the opportunity to settle the contention of these kinship formations on their own, free of the biases of law, and argued for Hmong Americans to denounce these formations as morally wrong. By situating polygamous and underage marriages as something that Hmong Americans can change outside of the law, Yang posits these concerns as a private matter for “the Hmong community” to resolve. Yet, it does not ask the law to accept these various conditions of conjugalities even when there is a wide sector of various Hmong American communities who accept and enact these kinship formations. Furthermore, would this version of Hmong American kinship in accordance with the law be contradictory as to why the Hmong marriage bills were enacted in the first place, which is to show that the law and Hmong Americans can co-exist together?

We can interrogate “culture” itself as not something independent of, nor outside of the law. Rather, we should emphasize the ways “culture” is an ever shifting concept

²²⁴ Changing kinship is an inevitable phenomenon, as Sylvia Junko Yanagisako has demonstrated in the changing kinship systems of Japanese Americans. See Sylvia Junko Yanagisako, *Transforming the Past: Tradition and Kinship Among Japanese Americans* (Stanford: Stanford University Press, 1985).

shaped *by* the law. There exists little evidence to suggest that Hmong Americans thought of so-called “underage marriages” or polygamy as wrong before migration to the U.S. In fact, it made economic sense to engage in these practices, as it expands the labor repertoire within the family unit for harvesting and farming societies. However, within Western liberalism, laws already discipline refugees into heteronormative subjects through refugee resettlement policies. Yet, plural marriages maintain *de facto* status even to the state in the aftermath of refugee migration. In this vein, the proclamation of a “cultural practice” as wrong inevitably exists within the context of Western liberal heteronormative domesticity and assimilation as Volpp suggests. Yang’s formulation of Hmong Americans’ response to their own reformulation of sexuality and kinship seems to exist outside of the state, but the hyperbole within Yang’s arguments resides within the fact that it reifies the law instead. Native studies scholar Mark Rifkin also fortifies this position when he asks, “What is at stake in positing this distance/difference?” when it comes to the detachment of culture from law.²²⁵ What he means by this is the ways in which groups can reposition themselves as *culturally* outside of legal apparatuses as a means to strategically maneuver their own self-determination. However, Rifkin also argues that doing so means we have to view kinship as capable of being outside of the law, rather than dialectically bounded up within the constraints of law and the state. When attorney Yang argues for Hmong Americans to independently work on themselves free from the law, he enacts Rifkin’s formulation and detaches the reality of law’s influence on kinship and sexual intimacies.

²²⁵ Mark Rifkin, *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty* (New York: Oxford University Press, 2011), 29.

Politics of a State-Based Gender and Sexuality—The Potential of Queerness

The elections of Hmong American legislators such as Senator Moua and Representative Thao and their labor in endeavoring to pass these bills also means various interpretations of the law can be made as it encounters different polities. In doing so, while we see that the Hmong marriage bill failed to pass the legislature, due to the irreconcilability of the law and its (in)ability to include various forms of conjugalities, and the competing difference between Hmong Americans and non-Hmong, we can take note of how “law” and “culture” has its values, limitations, and contradictions. Furthermore, it demonstrates the activism and determination of Hmong American politicians who sought to use the law as vehicles for change in their communities, as well as pursue visions of social justice. Senator Moua and Representative Thao have particular affinities and visions of how to articulate Hmong American belonging in the U.S. On the one hand, Senator Moua and Representative Thao understand that the law can enable particular forms of inclusionary freedoms that can rectify cultural difference. On the other hand, they see that it is crucial not to fully open the intricacies of “Hmong culture” up for political debate and ideological voyeurism. They are simultaneously part of the “state” as much as they are crafting counter-hegemony from within. In some sectors of Hmong American society, many community members and leaders alike disavow “underage marriages” and polygamy in much the same way as white America. Thus, Hmong Americans can make decisions on what they see fit for the continuance of their communities, but doing so in the name of renouncing what white America has deemed as illegal or deviant conjugalities does little to serve Hmong American belonging in the nation, as is the case with Her’s testimonies in service with the state. Furthermore,

Hmong Americans' desires to belong in the U.S. state as full citizens cannot lie in the recognition of its marriage practices, as Rey Chow has argued, the ethnic subject is positioned into a state of perpetual protesting, not for emancipation, but for "worldwide visibility, currency, and circulation" in bolstering the biopolitics of capitalism.²²⁶

Ma Vang has brilliantly argued that the state bestowing of citizenship to Hmong Americans represents a neoimperial relationship whereby the U.S. disavows the presence of Hmong Americans as it simultaneously affirms them. This selective but irreconcilable relationship between Hmong Americans and the state through a politics of recognition reproduces unequal relationships between Hmong Americans and the U.S. stemming from the U.S.' involvement in the Secret War. Vang goes further to argue that the bestowing of citizenship to Hmong Americans for their "sacrifices" in the Secret War constitutes a "reward" rather than an ethical obligation of repayment.²²⁷ Because marriage is intimately tied to "rewards" such as capital, assets, property, insurance, hospital visitation rights, and inheritance, the state recognizes that Hmong Americans "deserve" these possessions under the name of their "sacrifices." These rewards are conferred given the status of Hmong Americans as soldiers, refugees, and ultimately model mono-heteronormative, legal subjects. Neoliberal capitalism is then made available to Hmong Americans for their conformity to U.S. colonial heteronormativity whereby they can receive these rights for disavowing certain forms of deviant intimacies. This reward system is problematic, as Vang has argued, in that it situates Hmong American repayment as economic transactions that which mirrors the privatized marriage

²²⁶ Rey Chow, *The Protestant Ethnic and The Spirit of Capitalism* (New York: Columbia University Press, 2002), 48.

²²⁷ Vang, "The Refugee Soldier," 697.

economies.

While it is important to note that Hmong Americans have been able to use political systems such as the legislative process to enact societal change and bring about social equity, formal politics itself has its own limitations. In fact, feminist scholar Amy Brandzel has delivered a powerful polemic for questioning marriage and citizenship as a priori of social belonging. Brandzel demonstrates how marriage is a way for states to exert governmentality, particular for people of color, including slaves in the pre-Emancipation era and African American women after the passage of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. She argues “While marriage rights offered an opportunity for African Americans to claim humanity and some sense of belonging and respect within U.S. structures, immersion into heterosexual marriage norms of citizenship allowed for another avenue through which white supremacy could police African American behaviors.”²²⁸ The policing of minority sexual behaviors and conjugalities extends the white heteronormative colonial biopolitics that has dehumanized minoritarian subjects for the last century and a half into the intimate sphere. Marriage invites state involvement in intimate relations such that illicit intimacies will be criminalized, subjecting people of color to even further criminalization than what is already present within the U.S. prison systems. Further racial and gendered violence shore up when we envision citizenship and belonging in the form of legal, state-sanctioned marriage for heterosexual, monogamous couples. In essence, the legalization of marriage for some is inevitably an exclusion for others.

Yang’s multi-faceted arguments about community reform seems to invoke what

²²⁸ Amy Brandzel, *Against Citizenship: The Violence of the Normative* (Urbana: University of Illinois Press, 2016), 77.

Joanne Barker has argued in her book *Native Acts: Law, Recognition, and Cultural Authenticity*, that Native peoples should work out what sort of “tradition” they want to see inscribe *in relation* to native sovereignty and the dominant legal restrictions. Barker’s work details how the Cherokee and Navajo nations have simultaneously used “tradition” to avow and disavow same-sex marriage in light of the federal Defense of Marriage Act of 1996. Natives have sovereign power over their nations to define the limits of how much national law affects their tribal laws. Barker invokes the argument of Indigenous Studies scholar Taiaiake Alfred that Native peoples should take steps to decolonize their governments, rather than reinscribe the oppressive systems and stereotypical ways of Native representation that are expected of them in order to conform to U.S. national law.²²⁹ If we are to follow the strategies of indigenous peoples who are seeking self-determination, Yang’s argument may be useful if self-determination and community reform towards egalitarianism, gender equality, and ethical social relations is the goal, and a move away from the expectations that minoritized subjects conform to the stereotypical state and federal narratives in order to cement their position as respectable subjects. However, since Hmong Americans do not have a sovereign relationship with the federal or state governments, they must inevitably be interpellated into hegemonic legal structures. That does not mean, however, that Hmong Americans cannot enact their own strategies of “culture” that can circumvent the legal demonizations that inevitably propagate their continual racial subordination within hegemonic legal structures. Understanding how “culture” and “law” are dialectical can be useful for Hmong Americans to construct freedom and belonging.

²²⁹ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011), 216.

Because Hmong Americans see inclusion into the state through the recognition of their traditional marriage practices as a method of community reform and gender egalitarianism, as well as a way to de-criminalize their “culture,” it is difficult to explain how such a maneuver will lead to freedom, liberation, or self-determination when the hegemonic structure of biopolitics is left intact. It is also impossible to achieve freedom when Hmong Americans expose their culture to the voyeurism of the state. It is clear that there are large portions of Hmong Americans who are concerned with the exploitative and misogynistic aspects, and financial and emotional repercussions of “underage marriages” and polygamy. The efforts for social change, however, takes a strange turn in its directive towards state-sanctioned versions of communal reform and gender equality/justice that invites a host of biopolitical, state, and juridical governmentality that produces further criminalization and racial stereotyping of Hmong American communities. Native Studies scholars have also examined Natives and indigenous peoples’ need to employ *tradition* as an extension to and dialectic of *sovereignty*, by which “sovereignty” (or in the case of Hmong Americans, community reform) is made legible for the state. Rifkin states passionately, this formation of supposed “sovereignty” that is supposed to benefit Native communities, while typifying the state, “The danger lies in reifying the terms of native governance, such that a static version of it, largely generated by the state itself, comes to be recognized within settler law rather than opening room for indigenous self-representation.”²³⁰ Rifkin wants to maintain a Native difference (acknowledging the multiplex kinship patterns) that “[disarticulates] it from formal politics in ways that maintain the normative distinction between social spheres

²³⁰ Rifkin, 20.

that characterizes U.S. liberalism.”²³¹

Ultimately, Rifkin argues that Native sovereignty claims that supposedly betters Native communities falls into a “bribe of straightness” which he describes as the argument for making validity claims by disavowing kinship, sexual, and gender practices deemed perverse to whites. Heteronormativity and reproductive conjugality are central to the project of settler colonialism because it establishes a formulation to which the state can cohere and control Native intimate relations. Rifkin argues for rethinking native sexuality and intimate relations outside the boundaries of heteronormativity imposed by the settler state.²³² Interestingly, the fact that the Hmong marriage bills inevitably *failed* due to the “perverse” practices of underage marriage and polygamy cannot be reconciled within the state. It remains at large a system of irreconciliability that cannot be legalized or cohered, particularly because of the competing avowals and disavowals from Hmong Americans and non-Hmong alike.²³³

In this vein, I follow again the scholarship of Vang who understands the refugee soldier as a “troubling moral political figure who inhabits a condition of statelessness” whereby the refugee soldier troubles “citizenship’s claim to resolve the refugee’s supposed temporary condition of statelessness precisely because the permanence of stateless status unhinges the national order.”²³⁴ The underage child bride and the polygamist pose threats to U.S. legal structures of recognition because of its difficulty and precarity, unhinging the normative orders of gender, sexual, and white

²³¹ Ibid., 22.

²³² Rifkin, 23.

²³³ In this instance, some Hmong Americans claim that polygamy or underage marriages are limited or dying practices. Some then argue it is widespread and needs attention. Non-Hmong may argue that it is incompatible with law, conflating “Hmong culture” as incongruous with law entirely.

²³⁴ Vang, “The Refugee Soldier,” 695.

heteronormative monogamy within legal structures. In this sense, the queerness of these conjugal orders enacts a double device, queering marriage and citizenship, but also troubling the national order of things for both Hmong Americans and the legal system. As Cathy Cohen has stated, queerness as a mode not only posits same-sex relationships as troubling, but also non-normative heterosexual relations, something often missing within queer activism and within the discourses of the Hmong marriage bills.²³⁵

Together, Hmong Americans (both heterosexual or otherwise), have had to deal with social orders that are constantly trying to remake politics for control and re-create the conditions for political and social identities. But as the Hmong marriage bills demonstrate, Hmong Americans' desire to be legitimated as unique subjects is complex. Such bills do not necessarily afford Hmong Americans the privilege of occupying a unique subject-position within U.S. neoliberal multiculturalism, but rather, posits Hmong Americans as problematic subjects to which state sanctioning—and criminalization—of their very culture itself may hold the key to control and assimilation. The paradox comes at the moment of failure, where failure is seen as the negative result of the overreaching of racism and racial stereotyping, or Hmong in-fighting. Yet, my position is that the failure of these bills means the U.S. state is not ready and unable to include and come to terms with gender, sexuality, kinship, and non-normative intimacies within racialized politics while it claims to want to include those politics into the national order and assimilate them into Western liberalism and capitalism.

Failure of these bills should be taken seriously, because if they inevitably “succeed” in passing, Jack Halberstam argues, “success in a heteronormative, capitalist

²³⁵ See Cohen, “Punks, Bulldaggers and Welfare Queens.”

society equates too easily to specific forms of reproductive maturity combined with wealth accumulation.”²³⁶ In fact, Halberstam’s articulation of failure is useful here in thinking about the implications of the non-passage of these bills for Hmong Americans. The failure of inclusion into American neoliberal modernity should not be read as Hmong Americans’ inability to “assimilate” into normativity. Rather, it is *because* of the hyperheterosexual overemphasis on so-called “underage marriages” and polygamy that render Hmong Americans as incoherent for inclusion, or what Lauren Berlant calls “cruel optimism,” that which Hmong Americans may desire but can never fully attain.²³⁷ This incoherence is subsequently tied to the incoherence of Hmong Americans with the rewards that come with successful assimilation (insurance, health benefits, hospital visitation, and other forms of capital). Submitting to heteronormative legislators only bolsters the demonization of non-normative alterities such as non-heterosexual, non-adult, non-monogamous conjugalities. For Halberstam, failure is not the “end point” of life, but the stimulation of a queerer potential for the reanimation of life. Furthermore, the failure of the bills to pass can be read as the “fault” of Hmong Americans to agree on a singular approach to their liberation. Within neoliberal capitalistic fundamentalisms in relation to success, failure is deemed as the personal culpability of the failed subject, rather than the institutions that disable the flourishing of non-normative subjects in the first place. However, a queerer contrivance of failure also exposes the structural mechanisms that caused the failure in the first place, which in this instance, is the white bourgeois common sense ideas about Hmong hyperheterosexuality within a state-based understanding of marriage.

²³⁶ Judith Halberstam, *The Queer Art of Failure* (Durham: Duke University Press, 2011), 2.

²³⁷ Lauren Berlant, *Cruel Optimism* (Durham: Duke University Press), 23-28.

Ultimately, the failures of the Hmong marriage bills to pass in the Minnesota legislation substantiates the argument that I have made so far in this dissertation: that there is a fraught understanding of “Hmong culture” as it concerns gender and sexuality which, if deployed in commonsensical and uncritical ways, enact profound violence. Furthermore, the complex, if not oftentimes essentialist and misdirected, arguments about gender and sexual reform from Hmong Americans themselves suggests heterogeneous interpretations of what constitutes “Hmong culture.” However, because of the historical distortions and misrepresentations of Hmong Americans that have given rise to a hyperheterosexual common sense narrative of Hmong American social relations within media and law, it has become difficult, if not impossible, for Hmong Americans to seek belonging in law as racialized refugees and differentially sexualized subjects.

In seeking to find ways that Hmong Americans can “co-exist” with the law, they instead of subversively subsisting in the face of racial, gendered, and sexual violence, are submitting to the biopolitical governmentality of dominant institutions. Yet, Hmong Americans understand the ways inclusionary politics operates in order to discipline minoritized polities. Instead, they have historically utilized de facto formations of kinship that elides state control, hence, the current perpetuation of extralegal social formations such as polygamy. They have found ways to continue their marriage practices that while does not function *in accordance* with the law, it simultaneously does not *clash* with the law. Yang has highlighted this extrajudicial conjugality clearly when he discussed the ways Hmong Americans have entered into bigamous relationships that unharminly elide legal protocols.

Furthermore, failure to pass these bills should also be taken seriously within the

context of Hmong American *monogamous* relations that are nonetheless unrecognized by the state. Senator Moua's retroactive clause continues to excludes all common-law marriages performed within the Hmong American tradition that does not conform to state citizenship. Common law marriages, while harboring all facets of a monogamous, long-term, heterosexual marriage, challenges legal decorum and thus are strategically excluded into capitalistic citizenship in order for Minnesota state-sanctioned marriages to be retroactively legalized and legitimated. Hmong Americans whose marriages have occurred in transitional or liminal spaces (like the highlands of Laos, or the Thai refugee camps, for example), may or may not be "legal" in the sense of a nation-state recognizing it as a marriage contract. However, the law may accommodate Hmong Americans based on the "good faith" of their marriages as valid. Thus, while Senator Moua's retroactive clause does not fully encompass the totality of all Hmong American marriages, common law marriages that transcend state and nation-based legalities have potential in pushing a queer version of Hmong American conjugalities.

We see in the committee hearings about the Hmong marriage bills that law and "Hmong culture" are simultaneously enacted to make sense of the changing terrain of gender, sexuality, marriage, and social belonging within the U.S. These initiatives are first and foremost Hmong American challenges to exclusion from various state institutions that continue to render them as illegible subjects possessing a pathological hyperheterosexual culture and underserving of the benefits of citizenships. Hmong Americans' occasional representation and appearance in dominant media is little more than a precarious abject-position that exists in controlling images. Visibility at the level of the legal begs us to consider whether Hmong American hypervisibilities as

hyperheterosexual subjects can speak about Hmong American invisibility as queer subjects. We should interrogate modern usurps of minoritized subjects into U.S. nation and legal-based freedoms. The case en point for Hmong Americans is that they cease to fit neatly within U.S. legal regimes of control around marriage. Hmong American traditional marriages are complicated in that its Hmong American opponents reject its sanctioning on the grounds of protecting the dignities of children and women from Hmong American heteropatriarchy while its proponents see it as legitimating a unique cultural tradition and opening up the capitalistic fields to Hmong Americans. However, non-Hmong also collude its meanings through the stringent policing of Hmong American traditional marriages within moral and legal codes under the name of “child protection” or even “women’s rights.”

This all begs the question of how modern Hmong Americans are to become if they are to live and thrive within the U.S. To what sexual modernities should Hmong Americans assume if they are to belong and enjoy the material benefits of heteronormative citizenship and belonging? In short, this is precisely the dilemma for feminist and queer theory at a moment that continues to negotiate the place of refugees and racialized subjects within its theoretical frameworks. Social justice advocates cannot deny that such bills reproduce racist and white American standards of respectable heteronormative kinship, and perpetuates certain normative forms of conjugalities, which are intimately remote from lower class, queer, refugee, immigrant, or communities of color. However, the dilemma arises when the desire and attachment to traditional decolonial strategies of liberation also collude with state-protection along the lines of

sexuality and marriage. When we think back on the Hmong marriage bills, we should not deem the rejection of the bills as “failure.” Instead, in failure’s place, there is potential.

Chapter 4

After Millerton Lake: Beyond Essentialist Dichotomies of Hmong Culture and Refugee Failure

“For the lesbian of color, the ultimate rebellion she can make against her native culture is through her sexual behavior. She goes against two moral prohibitions: sexuality and homosexuality. Being lesbian and raised Catholic, indoctrinated as straight, I made the choice to be queer (for some it is genetically inherent). It's an interesting path, one that continually slips in and out of the white, the Catholic, the Mexican, the indigenous, the instincts. In and out of my head. It makes for *loqueria*, the crazies. It is a path of knowledge-one of knowing (and of learning) the history of oppression of our raza. It is a way of balancing, at mitigating duality.”²³⁸

- Gloria Anzaldúa, *Borderlands/La Frontera*

In 2002, the *Fresno Bee* published an article titled “Embracing the Forbidden,” which reported the suicides of seventeen year-old Pa Nhia Xiong and twenty-one year-old Yee Yang. Pa Nhia and Yee were a lesbian couple who plunged themselves into Millerton lake because, according to the article, “their love would never be accepted by their families or Hmong American communities, which strictly forbids homosexuality.”²³⁹ This story was situated within a grander series entitled “Lost in America,” which documented eight Hmong American teenage suicides in Fresno, California in the early 2000s. Hue Vue killed himself because of his failure to live up to the expectations of a Hmong American son. Richard A. Vang shot himself because of his failures in school. Gerry Vang hung himself rather than go to juvenile hall for car theft and property crimes.

²³⁸ Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza Fourth Edition* (San Francisco: Aunt Lute Books, 2012), 41.

²³⁹ Anne Dudley Ellis, “Lost in America: Embracing the Forbidden,” *The Fresno Bee*, August 11, 2002.

Gozouapa Her drank cyanide because her father had been against everything she has done all her life. Mai Kor Vang also poisoned herself with cyanide in fear of bringing shame to her family after finding out she was pregnant. The journalist Anne Dudley Ellis introduced the teenage suicides by articulating a profound message, “Hmong parents grieve for a lost generation [...] the teens are among the first generation to be raised in America. Their parents had hoped they could restore honor and pride to a displaced people, but the teens struggle to balance their American lifestyle with Hmong traditions.”²⁴⁰ Being “lost” without the means to articulate one’s psychological suffering becomes constitutive of the second-generation refugee identity as they lack the nomenclature to name their subjective and agonizing experiences, as further articulated within the article:

There is no Hmong word for "I feel."
There is no Hmong word for "depression."
There is no Hmong word for "suicide."
There is no word that adequately conveys the pain of the Hmong parents pictured in today's special report, "Lost in America." It is the story of how a road to a better life in the United States has led unsuspecting Hmong refugees into a bewildering culture clash, endangering their values and their children's lives.²⁴¹

The parents were refugees who hoped to discard the negativities of refugeeism through raising children who are “American,” but ultimately failed miserably. What did Ellis mean when she stated that second-generation are lost? Ellis described that Pa Nhia and Yee were “lost” in the parents’ eyes because they were lesbians. Being lesbian is then rendered as being unrecognizable or illegible to the parents, who are conflated as the bearers of “Hmong culture” and as an augmentation of the “Hmong community.”

²⁴⁰ Ibid.

²⁴¹ Ibid.

Perhaps we can turn to Sara Ahmed's question of what it means to be disoriented to help us figure out the complexity of refugee belonging. Ahmed asks where do we begin to know where we are, how we align ourselves with the world, or how to turn in ways that will lead us to our destination.²⁴² Furthermore, Ahmed takes us on a journey of "being lost" by stating that being lost still constitutes an orientation of how to live in the world. It is a "way of inhabiting space by registering what is not familiar: being lost can in its turn become a familiar feeling."²⁴³ Losing one's way in the world forces the subject to take action, and to contemplate on the objects surrounding the space in which the subject inhabits, in order to reconnect herself to the familiar. Refugees who are lost are displaced from the nation-state, oftentimes floating at sea, crossing rivers, or traveling thousands of miles away from the displaced location. The world becomes unfamiliar, the refugee "loses" their way violently as war tears their worlds apart.

News media and law have their own ways of presenting us with stories about Hmong Americans, ways that craft a discourse of hyperheterosexuality, ultimately rendering invisible the existence of non-heterosexual and queer sexuality. In this instance, the story of this Hmong American queer couple is disfigured within the ahistorical presentation of the refugee narrative. Pa Nhia and Yee are immediately assumed to exist within the paradigm of "culture clash." In framing this as a culture clash, and stating that Hmong Americans were seeking the "road to a better life in the United States" sets up this dichotomous relationship, the article participates in the historical erasure of Hmong Americans as refugees, not immigrants. Furthermore, by framing the issue as a culture clash, the article elides Hmong Americans refugees as

²⁴² Sara Ahmed, *Queer Phenomenology* (Durham: Duke University Press, 2006), 6.

²⁴³ Ibid, 7.

subjects of war whom, in many cases, have no choice but to migrate to the U.S. The “culture clash” model is not self evident, but is born out of the histories of escalating violence in which Hmong American refugees are suddenly thrust into states of precarity. By casting off this tragedy as a family affair, the article omits the crucial histories that the U.S. played in creating the refugee condition itself. Furthermore, describing Hmong American refugees as “unsuspecting” meant that they were unaware of the conditions they would face upon arrival. It is true that refugees who fled war-torn countries could not and did not predict what lied ahead, but they also did not predict that life would be easy. The circumstances of precariousness that lied ahead of the refugee condition are yet additional facets of the “culture clash.” This precarity comes when refugees are given extremely limited time to make difficult and heartbreaking decisions to leave loved ones behind to migrate elsewhere. Particularly in this case, Pa Nhia and Yee perhaps made their deadly pact not as a result of a clash, but as a result of a precarious condition which death may seem the ultimate answer. Precarity about what lies ahead, in terms of sexuality, means a sexual politics that puts sexuality in terms of its relation to belonging, rather than sex acts. Furthermore, precarious and ambiguous positions on queer sexuality means second-generation refugee and migrant children are left to navigate sexuality within frameworks of identity and freedom that did not necessarily align with frameworks of sexuality for first generation. In other words, the culture clash is not the cause, but rather the product, of violence within refugee and migrant communities.

Essentializing Hmong Refugees

In this chapter, I argue that the essentialist constructions of Hmong Americans as perpetual refugees, and Hmong Americans subsequently claiming an essentialist “Hmong culture” has profound violence in queer Hmong American youth lives. Doing so requires a thinking regarding the violence and death resulting from invisibility and essentialism. Queer studies have gestured toward an antisocial turn within the last decade. The antisocial turn has been most famously associated with Lee Edelman’s *No Future: Queer Theory and the Death Drive*. Edelman’s controversial polemic reconsiders a queer politics that rejects a reproductive future and instead embraces an apocalyptic present that unapologetically clasps onto death. Many scholars have critiqued the whiteness of Edelman’s stance, most compellingly for me, by Jose Esteban Muñoz in *Cruising Utopia: The Then and There of Queer Futurity*. For Muñoz, queerness is not apocalyptic nor should be situated within a presentist politics, but rather, a radical vision of futurity that has not yet fully arrived. This non-arrival of a future serves as the political and critical work for queer theory and troublemakers to constantly experiment with crafting its utopian vision. Furthermore, Muñoz critiques Edelman’s formulation of the Child as inherently white, thus, re-routing the focus of death as already a reality for children of color, especially African American children. Muñoz writes, “[...] All queers are not the stealth-universal-white-gay man invoked in queer antirelational formulations, all children are not privileged white babies to whom contemporary society caters. [...] Theories of

queer temporality that fail to factor in the relational relevance of race or class merely reproduce a crypto-universal white gay subject that is weirdly atemporal.”²⁴⁴

This chapter (and part two of this dissertation), however, does not entirely discard the traumatizing aspects of queerness and refugeeism that the antisocial turn has since embraced. Ann Cvetkovich has outlined a theory of trauma that explores the underpinnings of how marginalized subjects such as queers, women, and migrants have mobilized to construct (traumatic) public cultures. Trauma has historically been related to the clinical sciences, especially in queer studies, where medical explanations shore up to “rationalize” origins of homosexuality. For example, the damage of, say, being raised in a single-mother household may have traumatized children into becoming “gay.” Traumatic histories are also borne out of family rejection and evisceration from the home. However, Cvetkovich uses trauma as the focal point to understand how it is that a collective suffering in the realm of sexuality have animated political and collective lives.²⁴⁵ Scholars of race and ethnicity have expanded on the use of trauma in naming the losses in the collective histories of minoritarian subjects. Anne Anlin Cheng, David Eng and Shinhee Han, and Grace Cho for example, have termed racial injuries in creating collective publics as “racial melancholia.” These work of mourning demonstrates how ethnic identity is constituted through legacies of historical and social injustice that remakes Asian Americans into unassimilable, imperfect subjects who can never attain

²⁴⁴ Jose Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: New York University Press, 2009), 94. See also Jose Esteban Muñoz, “Thinking Beyond Antirelational and Antiutopianism in Queer Critique,” *PMLA* 121, no. 3 (2006), 825-826.

²⁴⁵ Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke University Press, 2003), 44-48.

whiteness (normalcy).²⁴⁶ This grief/loss and the inability to attain normalcy, such as the refugee and the queer, perpetuates a sequence of neverending mourning.

The framing of refugees and especially children of refugees as “lost” has precipitated their deaths and denied them a prosperous future and contributed to the creation of the traumatized subject. Refugees have been cast out of modernity as human waste, according to sociologist Zygmunt Bauman, projected for death.²⁴⁷ Conditions within “modern” nation-states have deteriorated and made unlivable for refugees and migrants surviving at the margins. The relocation of refugees into advanced nation-states has not materialized into the good life as promised by resettlement policies. As Bauman continues, refugees have “no useful function to play in the land of their arrival and temporary stay and no intention or realistic prospect of being assimilated and incorporated into the new social body.”²⁴⁸ Hmong American refugees are perpetually a displaced people. Being uprooted from their homeland, refugees are restless wanderers traveling the world with only hopelessness, sadness, and nostalgia. Trinh T. Minh-ha writes, refugees are “dispossessed not only of their material belongings but also of their social heritages, refugees lead a provisional life, drifting from camps to camps, disturbing local people’s habits and destabilizing the latter’s lifestyle when they move into a neighborhood.”²⁴⁹ Hmong Americans cannot be understood beyond refugeeism. This deterioration of refugees has moved into the realm of ontology, where queers,

²⁴⁶ Anne Anlin Cheng, *The Melancholy of Race: Psychoanalysis, Assimilation, and Hidden Grief* (New York: Oxford University Press, 2000); David L. Eng and Shinhee Han, “A Dialogue on Racial Melancholia,” *Psychoanalytic Dialogues* 10, no. 4 (2000), 667-700; Grace M. Cho, *Haunting the Korean Diaspora: Shame, Secrecy, and the Forgotten War* (Minneapolis: University of Minnesota Press, 2008).

²⁴⁷ Zygmunt Bauman, *Wasted Lives: Modernity and its Outcasts* (Cambridge: Polity Press, 2004), 76-80.

²⁴⁸ Ibid., 77.

²⁴⁹ Trinh T. Minh-ha, *Elsewhere Within Here: Immigration, Refugeeism, and the Boundary Event* (London: Routledge, 2010), 30.

prominently white queers are folded into life and racialized queers are prepared for death.²⁵⁰ Necropolitics and biopolitics in this instance are intertwined to foster a livelihood concurrent with the acclimatizing of death conditions for certain racialized others. It is here that epistemologies of race, gender, sexuality, and migration come together to both construct Hmong American subjects themselves and their place within the U.S. As such, any failures and deaths arising from resettlement within the U.S. comes back to the refugee status and the refugees themselves, either as the parents who fail to assist or understand their own children, or the children themselves who fail to reconcile conflicting notions of belonging within Hmong American and dominant societies. Queer children of refugees are “lost” and already presumed as apocalyptic. Hence, this example of Pa Nhia’s and Yee’s suicides bears light on these contradictory meanings of both first and second generation Hmong Americans who are either refugees themselves, or children of refugees, who can never truly belong.

The *Fresno Bee* article posited Hmong Americans as “lost.” Lost, in this sense, is a confused and unmanageable state of being in which the subject does not intend itself to be in, but nonetheless becomes imprisoned in. Furthermore, being lost in the world is a feeling of being unsettled, and unsettledness is emblematic of Hmong American parents and refugees. The article then translates this state of being “lost” onto the teenagers as subjects in an impassable world who were unable to overcome the bind of their parents. As refugees who were displaced both physically and mentally, the article continues, the parents were unable to comprehend youth issues around gender and sexuality in a more modern and contemporary world, which often leads youth astray as “lost.” The idea of

²⁵⁰ See Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).

being refugees then is essentialist epistemology apropos of Hmong Americans that renders both parents and children as lost subjects simultaneously. In the “Lost in America” series and in the particular example of Pa Nhia and Yee, the idea of Hmong Americans as refugees continues to inform Hmong American social realities from both outside and inside Hmong American communities. Furthermore, refugeeism make visible Hmong American racial otherness, and in explaining Hmong American failure within heteronormative and homonormative U.S. society. This idea of Hmong Americans as refugees is warped together as simply the “truth” of Hmong American social positionality within the world and is used to explain gender and sexuality within Hmong American communities while positioning queer sexuality within the domain of “America.”

For too long, refugee affect has been prescribed as traumatized, sad, depressed, or simply mad. Clinical research on trauma has particular affinities towards examining refugees, even within Hmong Studies. Most of Hmong Studies scholarship on mental health issues among Hmong Americans includes explorations into the prevalence and persistence of depression, anxiety, adjustment issues, family issues, and substance abuse. Furthermore, first generation refugees are overwhelmingly represented in studies of mental health and trauma that have contributed to popular and common sense framings of Hmong American refugees as maladjusted to modern times.²⁵¹ Such a formulation is not limited to particular generations, but suggests that these particular affects are the very source of contestation among generations. The *Fresno Bee* article alludes to this mismatch between generations of Hmong Americans in conveying the important human emotions useful in sustaining healthy lives.

²⁵¹ Song E. Lee, “Mental Health of Hmong Americans: A Metasynthesis of Academic Journal Article Findings,” *Hmong Studies Journal* 14 (2013), 8-14.

Refugees are further interpolated into “slow death” as a means to systematically debilitate their livelihood. Jasbir Puar has spelled out a framework of debility for us to understand the ongoing states of death, borrowing from Lauren Berlant’s notion of “slow death,” which she writes about queer suicide as not an event or singular spectacle, but a process of ongoing structural inequality and suffering.²⁵² Berlant clearly gives a definition of slow death, “The phrase slow death refers to the physical wearing out of a population and the deterioration of people in that population that is very nearly a defining condition of their experience and historical existence.”²⁵³ Such a postulation sets up the antecedents and subsequents of death. Queer suicides that linger on either as stories, or manifests as a material spectrality, may illuminate the process of slow death. The suicides of Pa Nhia and Yee were supposedly “caused” by the fact that their love would never be accepted by the “Hmong culture,” and the subsequent effects proposes an ultimate irreconciliation of it for populations of later queer Hmong Americans and refugees. The temporality of such a death and prescription of death for queers and refugees are most insidious when we configure their unending impact for those of us still living. The ideological ensnarement in the article creates the conditions of slow deaths for Hmong Americans refugees and queer Hmong American youth far into the future.

Haunted Pasts and Unsettled Futures

Midwest Solidarity Movement (MWSM) is a collective of queer Hmong American activists and organizers in the Twin Cities who participated in various

²⁵² Jasbir Puar, “Coda: The Cost of Getting Better,” *GLQ: A Journal of Lesbian and Gay Studies* 18, no. 1 (2012), 149-158.

²⁵³ Lauren Berlant, “Slow Death (Sovereignty, Obesity, Lateral Agency),” *Critical Inquiry* 33: 4 (Summer 2007), 754-780.

community-based projects and social activism from 2011 to 2013, whose activism within the fight to legalize same-sex marriage I will explore further in chapter six. MWSM initiated an ongoing project, Raising Our Narratives, in 2013 as a means to collect coming out stories and life narratives of queer Hmong American youth across the U.S. So far, MWSM have collected thirty-four narratives. The queer Hmong American youth in Raising Our Narratives are asked about what stories they have heard about queer Hmong Americans growing up. The testimonies of queer Hmong American youth link back to Pa Nhia and Yee in significant ways. A nineteen year-old bisexual Hmong American woman from California named Emo Miao Girl writes:

I have not heard about any Hmong queers growing up. However, my curiosity began to peak and I began to Google about Hmong queers and Hmong LGBTQ to see if there was anything out there. Sadly, the first story that I stumbled upon was about the couple that had committed suicide many years ago. It makes me extremely sad when I read tragic stories like this.²⁵⁴

Another writer Xyooj Xub, an eighteen year-old Hmong American gay/Queer male residing in Minnesota writes:

From personal tales of others, I've heard of queer Hmong American youth being thrown out of their homes, disowned by their families, rejected by peers, or were told not to reveal their sexual identity to others in the family and community. In the worst case scenario, death occurs. The most prominent story I can recall was reading about the young lesbian couple, Pa Nhia Xiong (17 y/o) and Yee Yang (21 y/o), who committed suicide together in their despair of knowing their love would not be accepted by their families or community.²⁵⁵

Lastly, Jackie, a twenty-two year-old lesbian from California, writes:

²⁵⁴ Emo Miao Girl, "Raising UP the Hmong American Bisexual Narrative," *Midwest Solidarity Movement Blog*, July 6, 2013, accessed July 6, 2013, <https://mwsmovement.com/2013/07/06/raising-up-the-hmong-american-bisexual-narrative>.

²⁵⁵ Xyooj Xub, "Raising UP Xyooj Xub's Struggle and Acceptance Narrative," *Midwest Solidarity Movement Blog*, October 18, 2013, accessed October 18, 2013 <https://mwsmovement.com/2013/10/18/xyooj-xubs-struggle-for-love-and-acceptance-narrative/>.

Like every Hmong American lesbian with internet access – I Google “Hmong Lesbian” and came across the Hmong double lesbian suicide pact. It broke my heart to know that it was the best answers they could come up with. The girls could not overcome the “now moment” and resort to suicide.²⁵⁶

Pa Nhia’s and Yee’s suicides are important origin points for these queer Hmong American youth in the discovery of queerness. Following the arguments of Paul John Eakin, Pa Nhia’s and Yee’s lives have been constructed as stories, which in turn have impacted others.²⁵⁷ Their narratives expose the painful cultural memories that are transmitted in the present in crafting a queer Hmong American youth subjectivity, one of death, suffering, and negativity. These narratives reveal their pain in the usage of words by Emo Miao Girl, Xyooj Xub, and Jackie such as “sadly,” “worst case scenario,” and “broke my heart.” Lives that are concurrently remembered and repeated within a particular group’s history eventually come to constitute that particular group consciousness. In this case, Pa Nhia and Yee resonate throughout queer Hmong American youth coming of age by referring them back to the hardships that comes with negotiating an abject sexuality that which is intimately tied to family and “Hmong culture.” While their deaths were acts that were deeply personal, the stories about their deaths become political. When subjects realize the chasms within stories about queerness, they use that origin story to address those lacunae in formulating a critique about the violence of an essentialist heteronormativity within their own cultural milieus. Xyooj Xub recalls hearing stories of queer Hmong American youth being ejected, disowned, and rejected by peers and family as a means to uphold the “face” of the family and

²⁵⁶ Jackie, “Raising UP Jackie’s Realization and Navigation Narrative.” *Midwest Solidarity Movement Blog*, December 6, 2013, accessed December 6, 2013, <https://mwsmovement.com/2013/12/06/raising-up-jackies-realization-navigation-narrative/>.

²⁵⁷ See John Paul Eakin, *How Our Lives Become Stories: Making Selves* (Ithaca: Cornell University Press, 1999), 4.

community. In this way, his uneasiness with “face” is compounded by the knowledge that suicide is likely the ultimate ending for failing to conform to heteronormative standards of communal harmony.

The deaths, or so it seems, remains inaudible and inarticulatable for the living through the pain and shock of its innumerable violence as seen in the narratives of queer Hmong American youth. The case of Pa Nhia and Yee continues to haunt me, as it does other queer Hmong American youth, and was what first galvanized my intellectual journey into understanding the connections between refugee migration, Hmong culture, and queerness.²⁵⁸ The centrality of Pa Nhia and Yee on my queer socialization is exactly what Heather Love has argued for in forcing us to contend with our painful queer past.²⁵⁹ What is at stake is the price that is paid for rigid formulations of “culture” from racist essentialist formulations and Hmong essentialist traditions. I have struggled to understand their lives through all these years because this was precisely the first story that I encountered while searching for queer Hmong stories just like Emo Miao Girl, Xyooj Xub, and Jackie. Learning about their deaths as many years ago immediately brought me to tears as their deaths conjured up my own dark thoughts. I wondered if death was the “only way out” of a life of non-normativity. I feel like I have lost Pa Nhia and Yee even before I knew them. Speaking about loss, Judith Butler states that we all have a stake in loss, which “means that each of us is constituted politically in part by virtue of the social vulnerability, as a site of publicity at once assertive and exposed. Loss and vulnerability seem to follow from our being socially constituted bodies, attached to others, at risk of

²⁵⁸ For a work of haunting, see Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2008).

²⁵⁹ Heather Love, *Feeling Backward: Loss and the Politics of Queer History* (Cambridge: Harvard University Press, 2009).

losing those attachments, exposed to others, at risk of violence by virtue of that exposure.”²⁶⁰

Loss is not simply an “I” that exists outside of the deceased, but rather, through the ways in which our bodies are attached through our queerness, that I too risk and engage in their violent deaths. The questions that I have addressed throughout my dissertation reflect the questions that engulfed me in this violent discovery. Why is it that queer love between Hmong Americans and people of color cannot be accepted? How do epistemologies of straightness through essentialist discourses of hyperheterosexuality conceal queer life? How do we resist racist and essentialist articulations of “Hmong culture” while simultaneously point towards the homophobia that is deployed in its name? What follows will be a critique of essentialist caricatures of Hmong Americans as static refugees with a hyperhomophobic culture while contending with the essentialist religio-spiritual forces within Hmong American cosmology that are deeply complicit in the ongoing slow queer deaths.

Pa Nhia’s and Yee’s deaths showcase the costs of multiple violences that are borne out of essentialist framings of “culture.” On the one hand, queerness in the U.S. has been interpolated as whiteness and thus constrains the burgeoning of queer of color identities and subjectivities. On the other hand, Hmong American (nationalist) essentialisms about “culture” do not make room for the flourishing of queerness. The paradox that I must contend with in this chapter is that while I reject racist essentialisms, I also question the limitations of so-called “Hmong culture” as the primary interpretive framework to make sense of queer sexuality. Throughout this dissertation thus far, I have

²⁶⁰ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), 20.

outlined the violence of “culture” when used in essentialist frameworks. I argue for an anti-essentialist articulation of “culture” that highlights its fraughtness and normativities. The *Fresno Bee* article itself essentializes Hmong culture to the extreme of which is hyperhomophobic while situating “American culture” as liberating. Ironically, as “liberated” as this supposed “American culture” is, Hmong American refugees and queer Hmong American youth can never achieve that liberation because of the inescapable bind of racism and nationalism in the lives of minoritarian subjects. Rejecting this clash means we must critically interrogate how Hmong Americans’ usage of “Hmong culture” also reinforces these same essentialisms that brings about queer illegibility and violent deaths on our own anti-racist, queer, and feminist terms. While I disagree with the framing of this “clash,” I take seriously the other prominent segment of this story, that which there is something about the “Hmong culture” not accepting a lesbian relationship that led to the deaths of Pa Nhia and Yee. In my conversations with queer Hmong Americans youth, it is clear that what they understand to be components of “Hmong culture” are certain instantiations of religion and spirituality within cosmology. This interplay and interface of spirituality and cosmology are tenants that queer Hmong American youth speak about when they describe the ongoing struggles and slow deaths in which “Hmong culture” imposes on them in their quests for liberation.

The (Necro)Politics of a Essentialist Cosmological Culture

Jen-peng Liu and Naifei Ding’s article “Reticent Poetics, Queer Politics,” argues that the presumably “tolerant” aspect of Chinese culture is precisely used as a rhetorical

force to maintain the normative social order that contributes to the suffering and deaths of lesbian and gay subjects in Chinese social worlds. This “tolerance” is less so an open-mindedness to queer sexuality that resists colonial homophobia. Rather, this supposed “tolerance” is more so a nefarious instrument of slow death in the name of “reticence” in upholding the “face” of the family and community. They argue, “Reticence deploys its peculiar force as rhetoric, narrative deployment and aesthetic ideal, as well as model behavior and as a mode of speech. In these various forms, reticence simultaneously hides yet displays and deploys an ineradicable force and effects.”²⁶¹ Reticence illuminates how “unacceptance” and “unacknowledgment” works as forces of homophobia within Hmong American society. Thus, reticence is not only the lack of vocal communication, but an aesthetic system of control that dictates the directives of sexual morality, character, and behavior through “saving face” and “not accepting” or “ignoring” queer sexuality. Reticence is also a system of dogmatic disavowal in rendering queer subjects unintelligible through spiritual aesthetics. This supposition, however, diverges from the racial caricaturizations that the *Fresno Bee* article has portrayed, whereby lesbian and gay subjects are interpolated within an arrangement of everlasting essentialist cultural assumptions about homophobia. That is, dominant constructions of “Hmong culture” are represented as perpetually homophobic clouded in racialized terms that posits a racist knowledge of “culture” which does not address the power structures of reticent unacknowledgment. My rejection of the framing of the article concerns its propositions that rely on oft-narrated paradigms of racial cultural difference which is itself colonialist and deeply chauvinistic. Rather, it is not the hyperhomophobia of rejection, but rather,

²⁶¹ Jen-peng Liu and Naifei Ding, “Reticent Poetics, Queer Politics,” *Inter-Asia Cultural Studies* 6, no. 1 (2005), 33.

the everyday practices of discursively skewing queer sexuality as ways of reticent political denial in Hmong American religious and spiritual discourses that implicates slow death.

Much scholarly literature attempts to tackle racist and essentialist portrayals of “Hmong culture” as hyperhomophobic by reading Hmong American youth experiences and cultural productions as decolonial and anti-racist. However, these readings do not fully contend with the violence of reticence, and instead approaches Hmong American youth agency in the context of existing within the structure for the betterment of the nuclear heteronormative family. Such a rendering of this picture lies in Bic Ngo’s article “The Importance of Family for a Gay Hmong Man: Complicating Discourses of ‘Coming Out.’” In this article, Ngo interviews a gay Hmong American man named Fong and situates his experiences of identity within family. In this way, Ngo argues that family is essential to queer Hmong American identity, resisting the Western and white paradigm of “coming out” as an individualistic and (neo)liberal act of freedom. Fong was able to negotiate his identity by marrying a woman, something that his parents desired, which in turn led his parents and wife to eventually accept him later on. This adaptive strategy of “saving face” by marrying a girl seems to have convalesced Fong’s family crevices. Indeed, the sociologist Angie Y. Chung has detailed the emotionally and psychologically painful processes that children of Asian immigrants often go through to make sense of their family experiences in the U.S.²⁶² I appreciate Ngo’s reading of Fong’s decisions as decolonial and agentic using a Hmong American-specific framework especially as it problematizes the Western notion of “coming out.” However, Ngo’s analysis situates

²⁶² Angie Y. Chung, *Saving Face: The Emotional Costs of the Asian Immigrant Family Myth* (New Brunswick: Rutgers University Press).

Fong as having agency *within* an essentialist “Hmong culture” where Ngo details Fong’s involvement in the Asian concept of “saving face.” In this view, although agency exists, it reifies the culture as one which is unchanging and one in which queer Hmong American youth must live and negotiate *within*. It suggests a picture of how queer Hmong American youth fit within culture, rather than explicating the “culture” as a system of violence which is unstable in the first place. I am very much interested in how queer Hmong American youth live, negotiate, and survive within oppressive and destructive structures, as much as I am interested in understanding how systems of “culture” are complicit in perpetuating slow death, and how queer Hmong American youth can deconstruct and destroy these structures of oppression. My critique thus argues that while Ngo’s analysis positions Fong’s agency within the family, it further essentializes “Hmong culture” because it passively centralizes many supposed Hmong and Asian “ethos” that are in fact complicit within reticent politics.²⁶³ Furthermore, this does not completely address the ways in which queer sexuality has come to be understood as “taboo” and aberrant in “Hmong culture” through religion, spirituality, and the notion of “saving face.”

Liu and Ding have critiqued gender, feminist, and queer theories of the so-called global south that presents decolonial versions of queer sexuality by positing the West as introducing homosexuality and homophobia into its cultures. They state, “A gender studies that seeks to privilege pre-modern categories and concepts of gender over and against both 'western' modern gender relations and 'western' feminism is just as problematic as a queer theory that seeks to claim the absence of homophobia and

²⁶³ Bic Ngo, “The Importance of Family for a Gay Hmong Man: Complicating Discourses of ‘Coming Out,’” *Hmong Studies Journal* 13, no. 1 (2012), 1-27.

homosexuality in a would-be post-colonial decolonized present.”²⁶⁴ Such deployments of unacknowledgment is precisely the effects of homophobia that goes under the radar, so to speak, to relegate lesbian and gay subjects into the realms of death, ghosts, and spirituality. This relegation serves to de-materialize queer sexualities and subjectivities from the contemporary moment, instead, foregrounds an “afterlife” that promises a freedom “in the next life.” Furthermore, David A.B. Murray has situated “homophobia” as a set of unequal power relations that are manifested in myriad ways, including indifference, dismissal, or other more sinister variations such as “tolerance” or “embracing the sinner but not the sin.”²⁶⁵ Historically, as AIDS activists within ACT UP in the 1980s have expressed, even silence means death.

The *Fresno Bee* article ultimately brings us to Pa Nhia’s soul release ceremony and writes that Pa Nhia’s mother “will no longer dream of her daughter because her spirit has been released. She believes her daughter's spirit is in a baby boy, born to a neighbor the day of the ceremony. This is good, her mother says, because Pa Nhia talked about wanting to be a boy so that she could have more freedom.”²⁶⁶ Not only does the article misrepresent the process of rebirth by assuming that the release of the spirit brings about a feeling of closure for her mother, it also sets us up with Pa Nhia’s mother’s statement of reticent spirituality. Pa Nhia’s mother is using a particular epistemology of the rebirth process in order to come to terms with Pa Nhia’s death and her queer sexuality. For Pa Nhia’s mom, her sexuality may have been understood as an inversion of the gendered norm through which Hmong American women are to conform. This is not a new

²⁶⁴ Ibid., 36.

²⁶⁵ David A.B. Murray, “Introduction,” In *Homophobias: Lust and Loathing Across Time and Space*, ed. David A.B. Murray (Durham: Duke University Press, 2009), 3.

²⁶⁶ Ellis, “Embracing the Forbidden.”

understanding of homosexuality. Read in this way, homosexuality is rendered as a “sexual inversion” popularized by early sexologists of the nineteenth and twentieth centuries such as Havelock Ellis and Richard von Krafft-Ebing. This version of homosexuality also appeared in early novels such as Radclyffe Hall’s novel *The Well of Loneliness*. This view posits a body-centric version of homosexuality by casting it as simply “being born in the wrong body.” The notion that Pa Nhia may have wanted to become a boy (by being a lesbian and being an “invert”) perhaps can continue to allow meanings to circulate for others (such as Hmong Americans) to comprehend and understand life after death, but posits an impossible framework for the flourishing of multi-varied genders and sexualities beyond the body-soul dichotomy.

The death of one’s child is an extremely painful event. It is not my concern in this chapter to diminish the very real suffering of those close to Pa Nhia and Yee in the aftermath of their untimely deaths because as I have detailed, their deaths have damaged us all. Pa Nhia’s mother was able to enact an agency for herself in contending with the death of her daughter by turning to cosmology as a coping mechanism. Cosmology is a major property of religion and spirituality that functions as a framework to make sense of the processes of life and death. Let us consider the procedure of rebirth in Hmong American cosmology, and the coping and potentially agentic and liberating mechanisms of cosmology that make visible spirituality and religion as realms of political possibility. Such a maneuver may make clear Hmong American-specific ways of being and knowing that attempts an illumination of the unknown marked by precarity. Hmong American cosmology has long taught us that the dead matter. In Hmong American traditional cosmology, *ntuj* (sky), *ntiaj teb* (earth) and *dab teb* (spirit world) are all interconnected.

These realms are intertwined where souls travel to be born and reborn. Entities that exist within these realms are affected by how each transition occurs. These domains are not cold and deserted domains in which the “dead” simply travel to, but rather, they are booming with movement, affect, sensation, and creativity. Yet, because these realms (or the journey that the dead takes in order to be reborn) may be interpreted to be harsh, the living descendants of the dead continue to sacrifice animals as offerings for food in order to guide the dead through this cycle of being born and reborn.²⁶⁷ Hmong American social life is governed by this life cycle of traveling souls, in which the dialogic relationship between the dead and the living continue to inform Hmong American social practices. The dead continues to “haunt” or impact how the living continues to exist in the world. For example, since only men can make offerings to the deceased, Hmong American families may continue to have children until a son is born.²⁶⁸ Using this framework of Hmong American traditional cosmology, the relationship in which the dead carries onto the living produces both psychic *and* material affects on the lives of Hmong Americans. The ways in which Hmong Americans are materially impacted by the cosmos at once also render and delineate their practices as stringently gendered.

Hmong American traditional funeral rituals take into account this cosmological process of birth and rebirth when executing the specific funeral acts such as singing and playing the traditional *qeej* instrument. A deceased individual must be released from earth through the singing of the *qhuabke*, a song that guides the deceased to retrieve their placenta, whereby releasing the soul to travel to *ntuj*. The deceased’s soul can then be

²⁶⁷ Vincent Her, “Hmong Cosmology: Proposed Model, Preliminary Insights,” *Hmong Studies Journal* 6 (2005), 8.

²⁶⁸ Ibid.

allowed to be reborn again once they have travailed the dangerous spiritual realm and reached *ntuj*. Unlike Christianity which purports that souls go to stay in heaven (presumably forever), souls of Hmong Americans go to heaven only to have the objective of being reborn again, or to *thawj thiab*. Once a soul has reached *ntuj*, the soul must negotiate with Yawm Saub, the guardian of *ntuj*. Yawm Saub only interrogates the soul such as to inquire about the reasons and circumstances of their death. Once released and ordained by Yawm Saub, the souls then can be reborn again. Some Hmong Americans argue that Yawm Saub also prescribes *ib daim ntawv* for the soul to be followed upon their reincarnation. This may be translated as the provision of the soul's destiny to be ordained for their next lifetime. This provision may also proclaim the events that are to take place after their rebirth and dictate provisions such as race, class, gender, sexuality, physical features such as beauty, and life events.

In some interpretations, souls are rendered as babies who may then have the power to choose their families. In her memoir *The Latehomecomer*, for example, Kao Kalia Yang interprets this process of rebirth in a more poetic and optimistic fashion:

Before babies are born they live in the sky where they fly among the clouds. The sky is a happy place and calling babies down to earth is not an easy thing to do. From the sky, babies can see the course of human lives.

This is what the Hmong children of my generation are told by our mothers and fathers, by our grandmothers and grandfathers.

They teach us that we have chosen our lives. That the people who we would become we had inside of us from the beginning, and the people whose worlds we share, whose memories we hold strong inside of us, we have always known.

From the sky, I would come again.²⁶⁹

²⁶⁹ Kao Kalia Yang, *The Latehomecomer: A Hmong Family Memoir* (Saint Paul: Coffee House Press, 2005), 14.

Babies float within *ntuj* as the process of rebirth begins. Yang writes that it is not an easy thing to call babies down from *ntuj* precisely because of the lengthy process by which a deceased is to be guided within the rebirth process. They can see the course of human lives precisely because of the provision by which Yawm Saub has ordained their destiny. Yang's next lines tells us that babies have chosen their lives, signaling an agentic and self-fulfilling prophecy of rebirth. This diverges from Hmong American traditional cosmology, because it does not follow the notion of Yawm Saub choosing the provisions of their lives for them.

However, anthropologist Vincent Her has also acknowledged this flexibility, by stating that *daim ntawv* is not a strict scripture, but rather, can be negotiated by the soul before and after the rebirth. Perhaps this renders the soul as more agentic in choosing their own destiny once they are reborn. The babies then descend from *ntuj*, precisely Yang herself, and have always known of the memories, of the people whom they would become. They are fated to become themselves again through the rebirth process, while possessing enough agency to render themselves as their "true" self within *daim ntawv* from Yawm Saub as to their own liking and the course which their lives may be negotiated and actualized. Pa Nhia's mother's understanding of queer sexuality is situated within this framework of cosmology that Yang articulates in *The Latehomecomer*, which indexes the simultaneous processes of birth and rebirth, of babies coming and going, that gives her the epistemic tools to follow Pa Nhia's path to redemption as a boy in her next life. Pa Nhia's memories of her previous life are carried with her, to transform her queer sexuality into a more heteronormative sexuality in the form of a presumably heterosexual male in the next lifetime. The assumption thus far is that this system of knowledge about

queer sexuality within frameworks of cosmology is decolonial and non-Western, serving a purpose to re-orient a way of seeing, knowing, and feeling queerness. However, this overdetermination also shores up essentialist violences, as I continue in the next section.

Politics of Ghosts and the Afterlife—An Anti Essentialist Critique

My conversations with queer Hmong American youth reveal the violences that this framing of the afterlife, of spirits, and of the cosmos can do to delegitimize and render illegible queer subjectivity *in this life*. I was invited to share my research and to participate in a spiritual meditation on Hmong American politics with a Hmong American women's dance group on August 14, 2016. I recanted the story of Pa Nhia and Yee and the perspective of Pa Nhia's mother on queer sexuality and the rebirth process. A Hmong American woman participant asked, "If her mother thinks she will be reborn into a boy in the next life, then what did she think Pa Nhia was in *this life*?" This participant's poignant critique and ontological contemplation suggests the violence of ghosts and the so-called "afterlife" as an essentialist interpretation of "Hmong culture" used to deny the materialization of queer subjects and queer sexuality in *this life*. Because the souls within *dab teb* continue to impact the material world (*ntiaj teb*), in that it dictates the reproduction of mortals until a son is born, the participant urged me to question whether *this life* is possible to engage a queer and feminist practice that does not simply relegate non-conforming bodies and subjects to the realm of ghosts, despite the political potential of ghosts to actually disrupt hierarchies of power. Liu and Ding offers a similar critique, "Reticent and indirect speech and ritual acts reinforce the restraining power of such a field and postulate a 'like' heart for all players within that game field.

This then is how a reigning order (a forcefield) might be preserved through the circulation of reticent forces of self(other)-discipline and self(other)-preservation: those bodies occupying the liminal sites of this force-field immediately become shades or ghosts, deprived of the resources for life or action.”²⁷⁰ Their reading suggests ghostliness as a realm of liminal impoverishment lacking the booming of life suggested by Her’s theory of Hmong American cosmology. Despite this differential understanding of ghostliness, death, and the afterlife, the participant at this workshop was concerned that the de-materialization of queer and non-conforming subjects remains problematic and troublingly essentializes and romanticizes “Hmong cosmology” for the purposes of an “agency” that centralizes Pa Nhia’s grief-stricken mother. Spirituality is not just ghostly, but also material. It should provide flexibility for the flourishing of queerness *in this life*.

Thus, cosmological renderings of Hmong American social life have its limits in addressing gender and sexuality. Such an example exists within the spiritual protections of Hmong American women in marriage and funeral practices. A question that is repeatedly asked is, how would the souls of divorced women return to their ancestral homeland upon their deaths once and after she becomes divorced from her husband’s family, which is the former guarantor of the household with which to guide her soul to *thawj thiab*? Prasit Leepreecha details clearly the steps taken to transfer a woman’s spirits from her parents’ home to her husbands home through the process of *lwm qaib* (blessing ritual) where a rooster is waved upon the head of the bride before she enters her in-laws’ home for the first time in order to drive away her previous sickness, crimes, burdens, and difficulties. The groom must *pe* (kowitz) to his household spirits in order to appeal to

²⁷⁰ Liu and Ding, “Reticent Poetics, Queer Politics,” 35.

them to accept the new bride as a new spiritual member of his family. The *laig dab* (offering food to acknowledge the departure of a spirit from one household to arriving in the next) and *qaib faib sia* (chicken for dividing life) are the final steps where a transference of spirits occurs when the wedding ceremony is over and the bride's spirit official exits her parents' house. This process welcomes the woman's spirit into the home of her husband upon their marriage, however, when she is divorced, there are no rituals or action steps in place to return her spirits back to the home of her parents. She is outcasted both spiritually and socially from the husband's home while being unable to return to her parents' home. If the woman dies, her family cannot perform the proper spiritual rites because her soul is neither firmly situated within either family for them to guide her spirits back to retrieve her placenta nor go through the rebirth process. Such strict structures within traditional heteropatriarchal Hmong American wedding structures still dictate the social and spiritual lives of non-normative subjects who do not conform to heteronormative formations of "family." Leepreecha has detailed how the Network of Hmong Women in Thailand has actively worked to revise traditional rituals and ceremonies to bring about change within traditional cosmology to allow divorced women to regain a sense of spiritual citizenship within Hmong Thai society. The women have argued for more flexible forms of cosmology that can enable divorced Hmong women in Thailand, but perhaps all marginalized people within Hmong society, to be guided towards a dignified death and rebirth within the limited cosmology.²⁷¹

²⁷¹ Prasit Leepreecha, "Divorced Hmong Women in Thailand," in *Claiming Place: On the Agency of Hmong Women*, eds. Chia Youyee Vang, Faith Nibbs, and Ma Vang (Minneapolis: University of Minnesota Press, 2016), 144-150.

My conversations also tackled how spirituality and cosmology are rendered as problematics within queer Hmong American youth subjectivities. Khoua, a twenty-five year-old bisexual Hmong man stated when I asked him about how he understands his spirit, “I worry about, like if my family disowns me, when I die, where does my spirit go? [...] How should I come out to my parents and my family? If I do, worst case scenario, if they disown me, kuv cov dab qhuas [my spirits], what am I gonna do? When I die where do I get sent to?”²⁷² The act of “disowning” (read here as “not accepting” and “reticence”) a queer child is serious because it denotes the casting off of the child and their soul from the protective household. The beliefs of queer Hmong American youth suggest that this disownment, often manifested as a physical expulsion from the home, is simultaneously a casting off of their soul from the household (presumably forever), whereby it disconnects a child from the spiritual and social benefits of having a funeral arranged for them if they are to deacease. Khoua worries that the act of disowning, and what Liu and Ding offers as a form of reticent politics, will amputate the queer child’s spirits and overall well-being from the family. Not only does this severing cause a presentist confusion (what am I gonna do?), but it also renders illegible a future (where do I get sent to?). In the end, the afterlife itself remains inarticulate (where does my spirit go?). The deeply ontological troubles in my conversation with Khoua irradiate this embodied religious violence.

Spirituality is also used to “explain” one’s queerness where it is (re)packaged in the form of a “sick,” “negative,” or “false” spirit. Keng, a twenty-year old gender non-conforming heterosexual male, recalls when his mother tried to contextualize his gender non-conformity into the framework of the *plig*, or the soul and body dichotomy, “My

²⁷² Khoua, personal interview with author, January 5, 2017.

mom was like, oh you know, koj tus plig yeej yug los ua tub, tabsis koj lub cev tsis yog [your soul was born to be a boy, but your body is not]. I was like, okay that doesn't make a lot of sense."²⁷³ Keng went on to describe a situation that made him angry when one of his aunts, who is an experienced shaman, arrived at his home and informed him about his soul, "She's like, oh I looked into your spirits and stuff like that, and she's like, when you get older, you're never gonna be happy. You're just gonna get older, and you're just gonna look at life and be like, when am I gonna die and stuff like that. She said the afterlife is not gonna be good too and stuff like that. I was pissed, so I'm like whatever, I just left."²⁷⁴ Keng's anger and disavowal of how his soul is unhappy with the supposedly soul-body disconnection reveals how spirituality is used as a reticent tool to deploy an insidious homophobic force to discipline gender non-conforming bodies. Since the ultimate goal of a soul is to be reborn, the notion that a soul will be unhappy and/or cannot be reborn serves as a *disciplining tactic* that is violent and is an essentialist shadowy force of death.

In another conversation with Mai Tooj, a twenty-eight year-old lesbian, I learned about how she conceptualized the messiness of the so-called present life, the afterlife, and the next life. Mai Tooj states strongly, "Why do you have a big problem if koj lub next tiam, koj yuav mus ua poj niam thiab ne [in your next life, you can become a woman]? And if, I'm correct, then the afterworld, the other side of the world, gender means nothing, and you can date whoever you want, then what's the big mothafuckin' deal? So where did this whole notation come from? Unlike, the Native Americans, two-spirits, some people are totally fine with them being gay because they can live between two

²⁷³ Keng, personal interview with author, December 30, 2016.

²⁷⁴ Ibid.

worlds. So if there is a queer two-spirit shamanist, woman or man, the whole community accepts that, it's not a problem. So then what's the big deal, if you put it in that perspective? What's the big fuckin' deal?"²⁷⁵ Her zealous musing articulates an afterlife that allows men to be reborn into women, and vice-versa, and why it is "such a big deal" to simply allow this interchangeability within both the spiritual afterlife and the material life.

While Mai Tooj's critique is situated in the apparent contradiction between *ntiaj teb* and *dab teb* whereby *dab teb* is presumably a less rigid realm of possibly, yet constantly interacts with and engages *ntiaj teb*, then why is it that gender and sexuality seems to be so unyielding in this supposed flexible and dialogic relationship? Furthermore, Mai Tooj alludes to her understanding of the indigenous concept of "two-spirit" where the subject is able to simultaneously embody a multiplicity of "spirits" and flexible ways of being that traverses the material world *and* the spiritual world that actually demonstrates the interactivity of such realms that Her's model of cosmology seems to profess. Without essentializing two-spirit or indigenous ways of knowing gender and sexuality, it is important here to ruminate on Mai Tooj's critique as a way to illuminate tradition, spirituality, and cosmology as limited frameworks, where also hinting at the potential which seems to underlie cosmological frameworks of gender and sexuality. Her critique is also apparent in Gloria Anzaldúa's philosophies about race and culture:

Though I'll defend my race and culture when they are attacked by non-*mexicanos*, *conozco el matestar de mi cultura*. I abhor some of my culture's ways, how it cripples its women, *como burras*, our strengths used against us, lowly *burras* bearing humility with dignity. The ability to serve, claim the males, is our highest virtue. I abhor how my

²⁷⁵ Mai Tooj, personal interview with author, January 26, 2017.

culture makes *macho* caricatures of its men. No, I do not buy all the myths of the tribe into which I was born. I can understand why the more tinged with Anglo blood, the more adamantly my colored and colorless sisters glorify their colored culture's values—to offset the extreme devaluation of it by the white culture. It's a legitimate reaction. But I will not glorify those aspects of my culture which have injured me and which have injured me in the name of protecting me.²⁷⁶

Anzaldúa's scholarship and influence in women of color feminism has provided the anti-essentialist and anti-racist structures where queer women of color can speak up against multiple structures of domination and subjugation. "Not me sold out my people but they me," she states, as she continues to describe how "culture" as a system of domination is established to maintain the status quo within her own ethnic community.²⁷⁷ Furthermore, Cherrie Moraga compounds this point as she argues, "While we queer folk defend the cultural integrity of our families as they are, our queerness is not defended by those same families."²⁷⁸ Men were the creators of culture, where we could see in Hmong American communities that it is men who historically have been the ones to engage and participate in these "spiritual" and "cultural" practices of being a shaman, performing the rituals, and playing the qeej instrument.

In the name of "protecting" non-male Hmong American subjects, these sites of the cosmos and the spiritual clearly delineate the gendered power structure of belonging, which authorizes knowledge about souls and spirituality to transmit. Thus, the man, the shaman, and then the woman shaman, elevates their knowledge of the deficient queer soul over the queer subject itself, rather than understanding the soul as a figuration of complex elements outside of the deficient reading. Thus, Anzaldúa writes again, "Culture is made by those in power – men. Males make the rules and laws, women transmit

²⁷⁶ Anzaldúa, *Borderlands/La Frontera*, 43.

²⁷⁷ Ibid.

²⁷⁸ Cherrie Moraga, "Still Loving in the (Still) War Years/2009: On Keeping Queer Queer," in *The Xicana Codex of Changing Consciousness: Writings 2000-2010* (Durham: Duke University Press), 180.

them.”²⁷⁹ Anzaldúa’s critique of “culture” and my contention that “religion” and “spirituality” enact violence is situated within readings of religion as lived experiences as opposed to scripture or text. The deployment of teachings about “Hmong culture” and ways of being often are enacted in ways to deny queer material conditions in service of abstract scriptures. In this way, the religious text and teaching does not always align with how the teachings “happen” to individuals. That is, texts do not capture how people experience their religious and/or spiritual selves and identities along and within the axis of race, gender, and sexuality. Queer Hmong American youth do not reject the notions of the *plig* or the soul, but also recognize that its deployment in explaining one’s existence does not validate their queer sexualities or identities in empowering ways.

The usage of “Hmong culture” as an essentialist tool to narrowly define Hmong Americans as backward and primitive people lacking the modern consciousness of accepting queer sexuality is dehumanizing. The usage of an essentialist and reticent spirituality and cosmology to deny the materialization of queer subjectivity is also equally brutalizing. Essentialism from both sides of the spectrum demonize each other while queer Hmong American youth are denied the spaces for self-fashioning under the oscillation of these forces. When Pa Nhia and Yee died, their lives have lived on in the cultural memories of a new generation that still grieves for and remembers their deaths. The sensationalization of Hmong American refugee differential essentialisms, along with the supposed “settledness” of the rebirth process into heteronormativity, dismisses the ways the future is denied for queer Hmong American youths who are children of refugees, and the afterlife of death that continues to haunt the living. The grieving of

²⁷⁹ Ibid., 16.

actual lives lost are inconceivable and even forgotten until it is re-told by queer Hmong American youth many years later.

The image and subject of the grieving mother who must reconcile her daughter's death in a culturally appropriate way may give us a sense of closure, but the ongoing discourse of "culture" as an inhibitor to exerting one's full queer potentiality presents us with the continued debilitating image of queers and Hmong American refugees. The cultural memories that originates within queer Hmong American youth narratives also reveal that the deaths of Pa Nhia and Yee are far from settled. Puar asks us, "How would our political landscape transform if it actively decentered the sustained reproduction and proliferation of the grieving subject?"²⁸⁰ In this sense, we grieve for Pa Nhia and Yee as queer Hmong American youth are left behind more than a decade later to contend with their deaths. No one knows of the silent grief and the origins of queer Hmong American youth subjectivities. Yet, Pa Nhia's mother grieves for us to see, as we watched her from a Western colonial lens. When we decenter and interrogate essentialisms of negativity that does not debilitate or decapitate us, what will emerge? Yet, do we have to grieve forever, as Puar would want us to contemplate? Do we always have to be refugees stuck in time and/or queers lost in time everlastingly grieving lost lives?

How can we come to terms with queer/Hmong/refugee deaths that are extremely tragic without reinscribing this notion of refugee primitivity that which caused these deaths that often gives way to the culture clash model of second-generation Hmong American subjectivity while also moving beyond non-material frameworks of queer sexuality that implicitly justify violent deaths? The supposed "culture clash" has limited

²⁸⁰ Puar, "Coda," 157.

our view towards a fictitious dualism. Hmong Americans are posited as hyperheterosexual subjects whose abjection differs from that of dominant homosexuality. Second-generation Hmong Americans are represented as “more assimilated,” often a code word for embracing a form of gay modernity absent in their more primitive counterparts. Queer Hmong American youth themselves can read and remember Pa Nhia’s and Yee’s story as another instance of the older generation “not accepting” second-generation identities, lives, and decisions. This uneven temporality is the framework for which the ongoing suffering of *both* queers and refugees are inscribed. The literal deaths of queers certainly grow out of such a framework, while the metaphoric deaths of the refugee mother (and others queer like myself) may continue to bolster the power of this inscription of death. Hmong American cosmology seeks to render death as a process of continuing life itself, rather than the catastrophic event of queer suicide, or the ongoing suffering that seems to define the condition of Hmong Americans in the U.S. today.

My conversations with queer Hmong American youth are complicated, precisely because while they question the supposed “cultural” elements that define Hmongness, they may also embrace these same elements as decolonial. In many instances, however, queer Hmong American youth may showcase ambivalence or even confusion as to how to translate religious abstractionism into an ethically lived reality. That is, how do they simultaneously embrace the emancipatory facets of “Hmong culture” that resist Western essentialisms, while also questioning the violences of this same “Hmong culture” in their lives? In my conversation with Pakou, a twenty-eight year-old bisexual Hmong woman, she reveals to me her mother’s understanding of her bisexual sister. She refers back to

Hmong cosmology as a framework for her mother to understand her sister's queer sexuality, referencing the script that Her details as an ordainment by Yawm Saub:

You know, in the Hmong culture, yus daim ntawv los ua niam txiv, ces yus yeej sau yus daim ntawv los [your provision of becoming wife and husband, you write this provision from heaven to earth], it's gonna be my partner. When you come, you become human, you become you, sometimes things change. For instance, my mom said that, my sister, is also bisexual, and her partner is a transsexual you know. And my mom was very against their relationship. And she kept saying that, nws [him], my sister's partner, daim ntawv los yuam kev [has a mistaken provision]. He was supposed to be a man, but he chose the wrong person to come into it. He's got the female, the female gender, the female sex. And that creates a stigma on their relationship. And because my mom is a shaman and she has these abilities. And she can't be having these kind of things interacting with her spiritual gift, I guess. Because phiv nws cov dab neeb [it will infringe upon her mom's spirits]. Because you are given spiritual guidance and they guide you along your way to go ua neeb [perform shamanistic activities]. And she's like, anything that you do that can be a stigma, can wreck the altar. And the altar can make you sick. And so my mom had to be very cautious about these things like this. Which I thought, I didn't really believe in, but as I grew older, I started believing it more. And then my sister started to ua neeb [become a sham], and then I started to see spiritual stuff too. You know sometimes, it's not real, sometimes it's real, maybe I'm schizophrenic, I don't know. I start questioning stuff.²⁸¹

Pakou's complex understanding of "Hmong culture" does not reify it as essentialist.

Rather, it showcases the constructed and highly subjective nature of cultural elements within cosmology and shamanism. During this conversation, Pakou uncovers the ways her mother uses her status as a shaman to explain her sister's partner, who is transsexual. Her mother explains that the provisions that Yawm Saub had ordained for the transsexual is "wrong" and thus will foster a social stigma. This wrongness within the provision does not beget life blessings, instead, is a "mistake" that will cause interference within the spirits, for the mother, and others around the couple. This is evident on Pakou's revelation when her mother articulates how the couple's queerness is a mistake that can "wreck the altar," referring to the shaman mother's altar which harbors the ancestral spirits. The mother's authority as a shaman compounds her usage of spirits and religion

²⁸¹ Pakou, personal interview with author, January 16, 2017.

to render queer subjects as “mistaken” subjects who ultimately have “correct” counterparts.

The ways spirits and “Hmong culture” are used to deny, skew, or “explain” queer sexuality, however, while dehumanizing, is not definitive. Queer Hmong American youth hold on to these frameworks to explain themselves in a myriad of ways. It requires a self-reflexivity about what it means to be born and live “wrongly” in accordance with the spirits and cosmos. Pakou reveals that she does not wholeheartedly believe in these teachings and frameworks, however, as she grew older, she understood where her mother is coming from, precisely because she herself is coming into her own spiritual being. In this way, she embodies what a hybrid self would look and feel like. Hybridity in this sense, in accordance with Homi Bhabha, disrupts any essentialist figuration of “culture.”²⁸² It is a process of fragmentation whereby essentialist framings of so-called “culture” are radically called into question. In this instance, the shaman mother is transfigured as the “authority” of culture, yet Pakou’s questioning of her teachings, stating “You know sometimes, it’s not real, sometimes it’s real, maybe I’m schizophrenic, I don’t know. I start questioning stuff,” showcases how she rejects the supposedly “true” explanation of queer sexuality using religious and spiritual elements. Ultimately, she is ambivalent, using the word “schizophrenic” to designate the irregular going-between-back-and-forthness of “Hmong culture” and other ways of knowing. Skepticism of this system of knowledge does not mean Pa Kou rejects it, but she calls into question its “truthfulness” as a representation of “Hmong culture” in its explanation of queerness.

²⁸² See Homi Bhabha, *The Location of Culture* (New York: Routledge, 1994), 20-25.

Queer Hmong American youth critically question the ways that “culture” is used as a disciplining tactic. “Culture” is exacerbated through cosmology and spirituality that promotes reticent political denial of queer sexuality, non-normativity, and genderqueerness. In some instances, the explanatory powers of spirituality to make and control deviancy is also violent. Pa Houa, a twenty-six year-old pansexual woman recalled to me her upbringing. When she was a teenager, she had run away from home to live in the home of an abusive man who regularly assaulted her. Pa Houa became pregnant with her first child with the child’s father, whom she now refers only to as her “sperm donor.” She lived with his family and mother, who was extremely condescending towards Pa Houa. Pa Houa eventually returned to her parents’ home, however, her return was not a welcoming event. In the aftermath of her pregnancy, her relationships with her parents were deeply strained and disjointed because of her rebelliousness and non-normativity as a youth runaway, pregnant teenager, domestic assault victim, and pansexual subject. After her maternal grandfather passed away in 2010, her mother took her to a shaman in order to explain why the entire family was experiencing paranormal activities after the grandfather’s death, only to learn that these signs were indicative of Pa Houa herself who would likely become a shaman. The shaman also reveal to her why she was “rebellious” in her teenage years, as Pa Houa recounted:

So, after he [my grandfather] passed, my mom took me to go get readings, you know, from shamans. And they always be telling me that, the reasons why I grew up so rebellious is because kuv nyob tsis taus qhov chaw [I don’t have a home], kuv tseem muaj kuv cov dab neeb [I still had my shamanistic spirits] stuff when I was five years old [...]. And they were so destructive because they didn’t have a home. So I didn’t really, see like growing up, I never cared for like religious beliefs you know. Because I’m just like whatever, I think I’m an atheist. I don’t really believe in anything. I don’t really believe that like these, types of religious gatherings or like, hu plig [soul calling], or any of it

really works. And I never really cared for it. I never really cared to do anything church related either.²⁸³

Pa Houa's disbelief in the ways her spirits are used to explain her rebelliousness is enlightening. In many ways, these systems of beliefs are used to deny and simplify youth subjectivities and struggles in the U.S. When so-called spirits are the only explanation, it reifies the essentialist elements of "Hmong culture" and renders invisible other political and socioeconomic structures that contribute to youth rebelliousness and insurgency such as racism, sexism, and lack of role models in the education system. This usage of the spirits may also perpetuate neoliberal claims to personal and spiritual livelihood through the notion that it is the spirits within the individual that are misplaced, displaced, or unplaced.

Despite this disavowal, Pa Houa renders her subjectivity as more complicated when she revealed that after her grandfather's death, she had a series of unsettling dreams, which led her to believe that she might be "chosen" to become a shaman and that perhaps her spirits *were* misplaced that led to her rebelliousness. I asked her if these dreams impacted her in a negative or positive way, which she responded, "It did impact me in a positive way. I think without those experiences, you know, I've had other, what's it called, paranormal experiences before. But it was always, I just thought it was just a thing that adults always tell you, like, if you haven't washed your baby tubes yet, that's why you see it, you know. I always thought it was that, it was always that way. It's so complicated and scary and weird."²⁸⁴ Pa Houa's slow process of beginning to believe in spirits as ontologies that manifest in youth rebelliousness and difference from normative

²⁸³ Pa Houa, personal interview with author, February 21, 2017.

²⁸⁴ Ibid.

lifestyles and family formations begs us to interrogate how systems of spirits are oppressive, but also liberating when youth think, reflect, and embody spirituality on their own terms.

Queer Hmong American youth's simultaneous repudiation and reception of the explanatory powers of spirituality and traditional religion serves multiple purposes. First, their refutation deconstructs the inscrutability of religion as the "truth" of naming and understanding queer sexuality. As in the case of Pa Nhia and Yee, their deaths only becomes legible through a re-incorporation of them through the system of religious cosmology, both for Hmong Americans, and then is repackaged into a voyeuristic "ethnic" display of religion for non-Hmong eyes. Thus, when religious fundamentalism is used as an expounding reticent force, youth resist the narratives of their spirits and bodies as "incorrect," or a "mistake." Taken in this way, they resist the essentialist framings of queer sexuality as inherently "wrong." This mirrors the critiques of biological and bodily essentialisms that are used within discourses of sexology to reify the chronicles of queer sexuality as "unchanging" and thus need to be "fix," oftentimes through death. In the case of Pa Nhia and Yee, it is through a re-inscription of their deaths as "liberating" because they can be their "true" selves in the "next life." However, queer Hmong American youth reinforcement of these explanatory frameworks also reincorporates them into Hmong-specific epistemological systems of knowing that empowers them, when they are given opportunities and spaces to articulate its intricacies on their own terms. My argument is not to reject these ways of knowing, but instead, to highlight the hidden reticent violences and forces in its deployment that legitimize queer deaths and slow death, skew queer sexuality, and deny the agency and livelihood of queer Hmong American youth. The

religious and spiritual ramifications are liabilities because of its incapacity in bestowing freedom, while also offering some explanation for so-called “unexplainable” and complex phenomenon. However, more importantly, we cannot hold on to religion’s emancipatory powers if we fail to scrutinize its poetics of disavowal that de-materializes queerness from the individual, and relegates queer Hmong American youth to the realm of ghosts, masking such a realm as liberating when in fact, violent deaths are left unexplained, and continues to violently and painfully live on in the memories of youth a decade later in its shadowy aftermath.

Does it Get Better? Concluding a Queer Religiosity

Dan Savage and his husband Terry Miller created the *It Gets Better* project in September 2010 as a response to a string of gay teenage suicides across the U.S. The project included a series of videos uploaded by Savage and Miller, and subsequently included submissions by celebrities and politicians such as Ellen DeGeneres, Neil Patrick Harris, Kathy Griffin, B.D. Wong, Zachary Quinto, Margaret Cho, Nancy Pelosi, Hillary Clinton, Joel Burns, and Barack Obama, among countless others. A book of the same name was released in which Savage wrote in the introduction, “Things didn’t just get better for me. All of the gay, lesbian, bisexual, and transgender adults I knew were leading rich and rewarding lives. Our lives weren’t perfect; there was pain, heartbreak, and struggle. But our lives were better. Our lives were joyful [...] What was to be gained by looking backward? Why dwell on the past?”²⁸⁵ Savage’s campaign has been critiqued for its neoliberal narratives of upward mobility, normative wealth accumulation, distorted

²⁸⁵ Dan Savage, “Introduction,” in *It Gets Better: Coming Out, Overcoming Bullying, and Creating a Life Worth Living*, eds. Dan Savage and Terry Miller (New York: Dutton, 2011), 5.

optimistic future orientation, and the search for independence. In addition to the vast array of popular opinions penned in the aftermath of the campaign, queer studies scholars such as Puar, Tavia Nyong'o, Jack Halberstam, Eng Beng Lim, and Tina Majkowski have also critiqued and illuminated the campaigns shortcomings.²⁸⁶ Together, these scholars have collectively identified the heteronormative life trajectories that mega-rich celebrities lead in their lives that otherwise would be impossible for queer youth of color. The fallacy lies in the narrative that the transition to adulthood will bring liberation. *It Gets Better* promises to deliver freedom as youth reach adulthood and achieve “normalcy.”

As I have articulated in this chapter, queer Hmong American youth have not achieved liberation even as Hmong Americans have been in the U.S. for forty years, and nearly for thirty years at the time Pa Nhia and Yee appeared in the *Fresno Bee*. Refugees are left behind in the popular imagination because their lives do not necessarily “get better” even as they enter a nation of “riches” and “opportunities.” The various institutional and systematic conditions that trigger queer Hmong American youth suffering include ideologies that position refugee families as “lost” and incapable of understanding issues of sexuality, and Hmong American scriptures of a rigid “Hmong culture.” The material realities that constrain the flourishing of youth of color are all the more seismic in our present times as police brutality, deportations and detentions, refugee

²⁸⁶ Jasbir Puar, “In the Wake of It Gets Better,” *The Guardian*, November 16, 2010, accessed June 20, 2017, <https://www.theguardian.com/commentisfree/cifamerica/2010/nov/16/wake-it-gets-better-campaign>; Tavia Nyong'o, “School Daze,” *Bully Bloggers*, September 30, 2010), accessed June 20, 2017 <https://bullybloggers.wordpress.com/2010/09/30/school-daze/>; Jack Halberstam, “It Gets Worse...,” *Social Text Online*, accessed June 20, 2017, https://socialtextjournal.org/periscope_article/it_gets_worse/; Eng-Beng Lim, “No Kid Play,” *Social Text Online*, accessed June 20, 2017, https://socialtextjournal.org/periscope_article/no_kid_play/; Tina Majkowski, “The ‘It Gets Better Campaign’: The Unfortunate Use of Queer Futurity,” *Women and Performance: A Journal of Feminist Theory* 21, no. 1 (2011), 163-165.

vetting, and racial profiling undergird the violence of everyday life. These acts, all racialized disproportionately against black, Latino, Asian, and Middle Eastern peoples and youth have proven that while life may have gotten better for some lesbian and gay white kids, life has systematically gotten worse for queer youth of color in the U.S. and elsewhere in the world.

Hmong American youth in the post-1975 refugee migration periods have struggled to define themselves within the changing terrains of power relations such as “culture.” Furthermore, youth coming of age in the U.S. as racially different children of refugees presents difficult sets of anomalies that must be struggled with. In certain ways, the fact that the U.S. is a society of increasingly neoliberal, securitized, and colorblind forces should alarm us to think of the “generational gap” as not the cause of youth-parental-culture strains. Rather, it is that these same forces *creates* the generational gap. My rejection of the framing of Pa Nhia’s and Yee’s deaths from the racist and white supremacist perspective is that it does nothing to address the ongoing structural violences that contribute not just to queer Hmong American youth suicides, but all youth suicides in the U.S. in general.²⁸⁷ When queer youth of color complete suicides, their suicides are only legible within the framework of the “generational gap” where their ethnic communities are solely to blame for their disenfranchisement. It privatizes social phenomenon as “community related” or “family problem” rather than as structural, social, and systematic. The common sense understanding of sexuality in Hmong American communities created by dominant institutions is that of hyperheterosexuality,

²⁸⁷ While limited resources are available regarding queer teenage suicide rates, organizations such as The Trevor Project, a leading non-profit organization focused on LGBTQ mental health crisis and suicide intervention, has collected statistics in this area of research. See <http://www.thetrevorproject.org/>.

which occludes any existence of homosexuality or queerness. Hmong Americans as refugees are unable to assimilate into a society that “accepts” lesbian and gay people is the trope that demonizes them as perpetual refugees.

I return to Pa Nhia and Yee over and over again, because like other queer Hmong American youth, my first foray into the exploration of queerness started with their lives. When I read about Pa Nhia’s soul release, I did not feel a sense of closure even though I was supposed to. I do not feel that souls or spirits have a neatly delineated assemblage with formations of gender and sexuality. My own path towards understanding queerness was also rife with others telling me about my spiritual or cultural dysfunction. By critiquing the essentialist violences of “Hmong culture,” we can deconstruct and craft a flexible space for queer spirituality that does not posit heteronormativity as the dominant interpretation. This is best demonstrated in my conversation with Nhia, a twenty-five year-old gay Hmong man, who has struggled for years to articulate a version of spirituality that is not essentialist, but instead is flexible and ambiguous. When I asked him how spirituality has helped him come to terms with his sexuality and “Hmong culture,” he had this to say:

I don’t know, for a while, okay I legitimately thought about this for a while. I don’t know where, for me myself, I don’t know what my spirit looks like, like tus plig [the soul]. I don’t know, I guess that, my beliefs, I don’t think, I don’t believe it [shamanism] at all. I don’t know what to believe. But I just, in terms of my plig [soul], I don’t think there’s a gender for it. Like I never imagined it as an image of myself. ‘Cause you know, there’s this thing like your soul, your spirit, it looks like you. Or you know, at least that’s what’s communicated to me. But to me, I don’t think, I have a spirit or a plig [soul], but it doesn’t look like me. But I don’t know what it looks like too, but I know it’s kind of feminine for me. [...] I don’t think it’s a man. And that’s where I left it. But it took me a long time to get to that. To be okay, to get to that. I know it’s really simple and I just said it, but it took a long time. [...] Okay alright, I don’t see it as a man, but I also don’t see it as an image of a human. It’s not an animal either. I don’t know I guess it’s just a light or something. I don’t know. I just don’t see it as a human form, at least in the terms in which we imagine it. Like it’s not humanoid. I guess that’s not how I see it. [...] I don’t know, sometimes old folks would talk about, oh nws nqa tsab ntawv tsis yog lawm os [he has a

wrong life provision]. Daim ntawv [the provision]...that's it. I don't know. I would imagine some queer, other folks, things like that, or trans folks, they would think about that. Like I'm supposed to nqa daim ntawv poj niam [bring the provision of a woman], tabsis nqa tau daim ntawv txiv neej lawm na [but instead brought a provision of life for a man]. Maybe it's just more so of like, an expression of like, trying to communicate that, trying to explore and communicate their gender identity, rather than actually framing a frame for identity, does that make sense?²⁸⁸

Nhia's struggle with this articulation speaks more to the fractures of an essentialist formation of spirits than what we would like to think. The racist view would posit Hmong Americans' expressions of spirituality as exotic and oriental and ultimately as an extension of "Hmong culture," yet inflexible as to render queer deaths. However, Hmong Americans' own essentialism would posit spirituality as the "truth" of one's position in the world. This view would assume that one's subject position is intact and secure and conflates spirituality with all sorts of (hetero)normativity. Nhia reveals to us that he struggled to define a spirituality for himself that does not cast of shamanism as unworthy despite his disbelief in its tenets. Rather, his testimony reveals how he is living *in this life* as a subject who does not strictly embody a gendered, masculine, or feminine "soul," but one which may not even be human. This strange turn towards a post-humanist queer subject provides possibilities of reading beyond the male-female, human-animal, and body-soul dualities. His ultimate rendering of his soul as "a light" leads us to position him not as a defective subject, but a complex subject who may not neatly fit in the normative paradigms of spirituality, but also does not see himself as deficient. Nhia's queerness is ontologically complex because he resists static arrangements of spirituality and its relation to sexuality, while also struggling to not exoticize spirituality as an extension of "Hmong culture." His contention that sometimes the supposed "provision,"

²⁸⁸ Nhia, personal interview with author, March 7, 2017.

which oftentimes might be read as strict or essentialist, is not necessary a means to an end for interpreting queerness. Rather, it is just another construction of queerness that queer and trans Hmong American youth can appropriate or contingently utilize in their own self-discoveries of what queerness means as they contemporaneously come to terms with their identities as second generation children of refugees.

The starting point for queer liberation must begin at this juncture of dominant racialized sensationalisms of Hmong American refugees as “lost” and contrasting to American sexual modernities and the exoticization of spirituality as an extension of “Hmong culture” in response to queer youth deaths, and Hmong Americans’ perpetual essentialisms of queerness as broken spirits that perpetuates slow deaths. Deaths of queer Hmong American youth have costs for us all. It demonstrates the failure of so-called policies that are supposed to help and facilitate Hmong Americans into modernity as much as it is Hmong Americans who struggle to reframe paradigms of sexuality beyond spiritual essentialism that serves to undermine queer livelihoods. We must question the forces of death manifested as homophobic disavowals of queer subjectivities. Suicide is a legible course of action because it is an *expected* and even *normalized* act within the shadows of homophobia. However, the lingering memories of death generations later remain incoherent and invisible because of the supposed “settledness” of refugee resettlement and that in which the rebirth process brings in this instance. Queer Hmong American youth do not reject religious frameworks, but they also find its problematics through scrutinizing and nuancing its reticent forces. Their lived experiences and knowledges should compel an anti-essentialist queer and feminist theory to remake religion and anti-racist counter-forces. We must rethink how refugee narratives of the

culture clash and essentialist religionism makes Hmong American subjects as racially other, while not enforcing our own essentialist violence on queer subjects. We must come up with new answers, as Liu and Ding reminds us, “The answers must also be read anew, rethought, so that that which is reticent might be formulated and spoken. Reticence of course has its own reversal and resistant forces.”²⁸⁹ Sharon Patricia Holland makes one final point in *Raising the Dead: Readings of Death and (Black) Subjectivity* about black deaths. Reading Randall Kenan’s novel *A Visitation of Spirits* about the suicide of a black gay teenager named Horance in the North Carolina, Holland argues for the reorganization of objects within African American Studies, feminist studies, and queer studies. Holland illuminates how Horace’s suicide has “spoken” to the living in enabling a rethinking of traditional objects within the canons of these particular disciplines. Precisely, Holland does this through placing black gay subjects and their deaths at the heart of a queer African Americanist critique of death.²⁹⁰ The story of Pa Nhia and Yee linger in our memories and continues to serve as a call for us as advocates to craft a more flexible and socially just world for queer youth of color and queer Hmong American youth within activism and our respective academic disciplines.

²⁸⁹ Liu and Ding, 51.

²⁹⁰ Sharon Patricia Holland, *Raising the Dead: Readings of Death and (Black) Subjectivity* (Durham: Duke University Press, 2000), 118-123.

Chapter 5

Back to Saint Paul: Queer Diasporic Formations of Community and Identity

Dear culture of my roots
Dear land of the free
WAKE UP!
And smell what I am cooking.
There are dishes full of me
That I want to feed YOU
with my thoughts...
Open YOU up with my knowledge,
Fill YOU up with my passions
until you are full
So you can see who I really AM

From St. Paul to San Francisco
and back to, St. Paul
I am a womyn
I am Hmong American
I am an activist
I am a feminist
I am a hip hop emcee
I am an aspiring filmmaker
I am a spoken word artist
I am a writer
And lastly, but not least,
I am... a lesbian
Yesss... I love womyn
Emotionally and physically
From the depths of my soul
to the surfaces of my skin
But I hope that, That doesn't stop you
from getting to know me
And from St. Paul to San Francisco
and back to St. Paul

Dear mom and dad
Dear grandma and grandpa
Dear aunts and uncles
Dear sisters and brothers
Dear nieces, cousins and friends
From St. Paul to San Francisco

and back to St. Paul
I wish you could see me tonight,
here on this stage
Strong and proud
Because I've grown so much
From the daughter, the grand-daughter,
the niece, The big sister, the aunt,
the cousin and the friend that
YOU once knew
So I am taking on my part of the
responsibility
I, I want to apologize whole heartedly
For leaving without a word ...
without a trace
On a cold Fall's morning in 2003
Well, I, packed all my belongings
And made my way towards the door
I took one last look at my family
And then the last look at my
littlest sister
Felt like a mother leaving
her child behind
My heart broke into a million pieces
But I knew that what I was about to do
Was going to change,
alter our lives for the better
Not now, but later
Then I closed the door behind me
and made my way
all the way from Eastside St. Paul's
Arcade Street to Metro State University
Picked up my four grand loan
and took my first plane ride ever,
Destination, San Francisco...

And from St. Paul to San Francisco
and back to St. Paul
I wish you knew how I struggled
to find my purpose in life
On how I had to leave home
To understand the home in me

And on this long 4 years walk,
I've found:
My courageous independence,
my united strengths, my real passions
My aching mistakes, my blunt humility,
my echoing guilt, my deepest hurt
My difficult forgiveness,
my saddest loneliness and most of all,
My satisfying confidence
These are all that have built me
To find my BEAUTIFUL,
satisfied, self today.

And From St. Paul to San Francisco
and back to St. Paul
There was not a single day
that passed me by
where I didn't think or miss you all
Because, you all were my inspiration
to not give up on my life

And I hope that we can all heal together
and be able to see the bigger picture
even if it's still blurry after the years
I hope that one day you all will understand
my actions then
As it is changing,... altering in the form of
Love for myself to be able to understand
Love with you this self-discovery for peace
has pushed me to keep on
fighting for my rights
to live life to its fullest
with meaning and with depths
through that
I've found my identity, my definition,
my individuality,
My worth and my voice.
Now I am un-afraid,
I am strong And I am so proud of who I am
Because,
I am a womyn
I am Hmong American
I am an activist
I am a feminist
I am a hip hop emcee
I am an aspiring filmmaker
I am a spoken word artist
I am a writer
And lastly, but not least,
I am...a lesbian.

But I hope that,
That doesn't stop you
from getting to know me

From St. Paul to San Francisco
And back to St. Paul....
There's no place like home

-Linda Her, *From STP to SF, & Back to STP*

Linda Her expresses in *From STP to SF & Back to STP* that she must leave her home in Saint Paul for San Francisco in order to find a sense of home. It was a necessary act of departure that, while painful, will enable the discovery of much needed answers to her struggles around the reconciliation of her family and her queer sexuality. Her adopts a poetic of certainty at first through her act of leaving as a essential, but, keeps the precarity of migratory travel open by her ultimate return. She frames identity as intrinsic elements of the self (womyn, Hmong American, lesbian), as well as external undertakings that define her notions of self (activist, aspiring filmmaker, spoken word artist). Identity is rooted in “home,” not as a physical location, but as a process of discovering love for oneself and one’s familial affinities. Her identity is affective, and not clearly delineated as negative versus positive, rather, is a cyclical rotation from her courageous independence, to her saddest loneliness, to her satisfying confidence. However, the last, but not least, “identity” category for Her is her being a lesbian. This ultimate *naming* of identity is significant because it operates as an invocation of her struggle for legibility as much as it is about crafting a politics of knowability. However, the cautiousness and hesitation with which she articulates her identity through her usage of periods after “I am” (I am....a lesbian) moves us towards a hesitance of naming that complicates the liberatory narrative of naming within dominant neoliberalism. She does not disavow “Hmong culture” as hyperhomophobic, but clearly demonstrates the painful elements of her family being unable to recognize her struggle. The ending of her poem gestures towards her desire to infuse the people around her (I hope that we can all heal together; see the bigger picture) in her journey towards a rejuvenated queer subject. Her movement

to San Francisco is a move towards a discovery of self and community, but it is also simultaneously a removal from self and community. Thus, the “return” back to Saint Paul represents the dialogic nature of one’s relationship to other Hmong Americans, other queers, and other spaces of freedom that does not represent a linear or essentialist liberation within Hmong nor American culture.

Her return to Saint Paul is unusual considering the customary narrative of queer freedom that posits urban centers such as San Francisco and New York City as sites where queer folks can divulge in their desires and true selves on their own terms. Saint Paul is an usual location for queer flourishing, but for Hmong Americans, is a significant home. Leaving Saint Paul was not a joyous act. In *From STP to SF, & Back to STP*, Her details her broken heart as she writes, “I wish you knew how I struggled, to find my purpose in life, On how I had to leave home, To understand the home in me.” She felt she “had to” leave Saint Paul as not to enter a more liberatory realm. Rather, it was a *painful* prerequisite for her self-discovery. Her struggles on this migratory route eventually leads her back to Saint Paul, however, the return itself was also not a blissful homecoming. She writes, “And I hope that we can all heal together, and be able to see the bigger picture, even if it’s still blurry after the years.” The blurriness with which Her is still contending with her family in the refashioning of her sense of identity, community, home, and belonging, ultimately, as I argue, constitutes the non-essentialist, deterritorialized, queer diasporic subjectivities of queer Hmong American youth.

In this chapter, I situate community and identity within the framework of “queer diaspora.” David Eng details this framework in his essay “Out Here and Over There: Queerness and Diaspora in Asian American Studies,” in which he interrogates the notion

of “home” in both Asian American studies and queer studies. He asks, how is it that Asian Americans can feel at home in a nation-state which has historically excluded them?²⁹¹ How do these questions about home then lead us to other understandings of the racialization and sexualization of Asian Americans? Citing Lisa Lowe, Eng argues that queerness can function as a methodology to critique Asian American racialization and its relation to sexuality.²⁹² Queer diasporas de-naturalize social belonging as situated within nation-states or racially homogenous subgroups, as Eng claims, “the methodology of queer diasporas becomes a theoretical approach for telling a different story about the contemporary politics of nation-building and race under globalization, along with its accompanying material and psychic processes of social belonging and exclusion.”²⁹³ Stuart Hall’s classic essay “Cultural Identity and Diaspora” is also relevant to the formation of a queer diaspora. Hall calls attention to cultural identity not as a notion of some sort of essentialist or authentic identity. Rather, he states that cultural identity is “the recognition of a necessary heterogeneity and diversity; by a conception of ‘identity’ which lives with and through, not despite, difference; by hybridity.”²⁹⁴ Hall’s formulation of cultural identity posits that while “identity” may be explained from past events and conditions, it is also shaped by the possibilities of the future, as Hall continues that cultural identities “are subject to the continuous ‘play’ of history, culture and power. Far from being grounded in a mere ‘recovery’ of the past, which is waiting to be found, and which, when found, will secure our sense of ourselves into eternity, identities are the

²⁹¹ David L. Eng, “Out Here and Over There: Queerness and Diaspora in Asian American Studies,” *Social Text* 15, no. 3-4 (1997), 32.

²⁹² *Ibid.*, 41.

²⁹³ David L. Eng, *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy* (Durham: Duke University Press, 2010), 14.

²⁹⁴ Stuart Hall, “Cultural Identity and Diaspora,” in *Colonial Discourse and Post-colonial Theory: A Reader*, eds. Patrick Williams and Laura Chrisman (New York: Harvester Wheatsheaf), 394.

names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past.”²⁹⁵ These disparate but interconnected modalities of power constitute cultural identity and thus interpolate subjects into the discourses that it produces.²⁹⁶ Ultimately, the questions that situate this chapter are: How do queer Hmong Americans come to identify places such as Saint Paul as locations of liberation? Subsequently, how does this vision of liberation itself an unsettled vision? Ultimately, How do queer diasporic claims to liberty within community in turn produce non-static and diverse identities and ways of belonging? Queer diasporas frames community, identity, and belonging as not essentialist or homogenous, but as products of social and historical formations. As such, queer Hmong American youth can claim Saint Paul as a queer diasporic space that fashions their non-essentialist subjectivities.

The idea of queer Hmong American community and identity formation is also borne out of a significant special issue of *GLQ* about queering the Midwest. The editors Martin F. Manalansan IV, Chantal Nadeau, Richard T. Rodríguez, and Siobhan B. Somerville argue that even “region” is not a fixed locality, but rife with nuance and intra-regional differences and struggles. Using the example of *tongzhi*, the authors argue that gender and sexuality is remixed from both indigenous Asian and transnational configurations within Asian. Analogously, using a queer diasporic framework, they invoke Gopinath in thinking about destabilizing and de-romanticizing regions and nations altogether in exploring the emergence of queer sexualities and subjectivities. They call this approach a “critical regionality,” which explores the frictions within regional

²⁹⁵ Ibid., 225.

²⁹⁶ Stuart Hall, “Introduction: Who Needs Identity?” in *Questions of Cultural Identity*, eds. Stuart Hall and Paul du Gay (London: SAGE Publications, 1996), 17.

studies.²⁹⁷

The editors of “Queering the Middle” also outlined the ways the urban/rural dyad has dominated queer studies scholarship. That is, popular discourses of queer migration posit that the Midwest has historically been an oppressive location for queer peoples. Furthermore, the liberation story suggests that queer peoples must migrate to large urban cities such as Los Angeles, San Francisco, or New York City in order to “find themselves” and be “free.” In her seminal essay “Take Thee to a Big City: Sexual Imaginary and the Great Gay Migration,” anthropologist Kath Weston details the lure of the big cities for queer folks in the 1970s and 1980s. She described the development of a “lesbian” and “gay” spatialized sexual imaginary where the city comes to register as the site of lesbian and gay liberation in what she calls the “Great Gay Migration.” Such a sexualized geography entails the imagination of a “lesbian” and “gay” community through the dualistic symbiotics of rural/urban which posits the rural as an oppressive space and the urban as liberating for queer people.²⁹⁸ Instead, Manalansan, Nadeau, Rodriguez, and Somerville asks “How has migration to and from the Midwest, both within the United States and across national borders, been simultaneously sexualized and racialized? [...] How have queer sexualities and practices been imagined within, against, or despite the cultures and geographies of the Midwest?”²⁹⁹ This reframing of the Midwest asks who is included and excluded in America’s heartland even in “urban” locales such as Chicago, Milwaukee, and in my case, Saint Paul.

²⁹⁷ Martin F. Manalansan IV, Chantal Nadeau, Richard T. Rodríguez, and Siobhan B. Somerville, “Queering the Middle: Race, Region, and a Queer Midwest,” *GLQ: A Journal of Lesbian and Gay Studies* 20, no. 1-1 (2014), 3-5.

²⁹⁸ Kath Weston, “Get Thee to a Big City: Sexual Imaginary and the Great Gay Migration,” *GLQ: A Journal of Lesbian and Gay Studies* 2 (1995), 281-282.

²⁹⁹ Manalansan, Nadeau, Rodriguez, and Somerville, “Queering the Middle,” 6.

Formation of Hmong American Midwestern Communities

Hmong American experiences in the U.S. from the era of refugee resettlement to the present exist and continue within an interrogation of place. For instance, the U.S. government implemented systems of dispersal of Hmong and other Southeast Asian refugees all over the U.S. in order to accelerate refugee assimilation. This policy was also designed to alleviate the “refugee problem” that would otherwise burden any one particular American community. Hmong refugees had little say in their initial placement after migrating to the U.S. Such dispersals did more harm than good when refugees became lonely and isolated from one other. Bolstering their isolation are their experiences of racism and discrimination in states where they were the only non-white families. Secondary migration in the 1980s and 1990s facilitated Hmong American refugee migration to cities like Fresno, California and Saint Paul, Minnesota, and even smaller cities in Wisconsin such as Eau Claire, Wausau, Madison, Wisconsin and in California such as Sacramento and Merced, and in order for Hmong Americans to reunite with families and pursue economic opportunities. This secondary migration also allowed Hmong Americans to determine their own destinies by relocating to areas of the U.S. where there were established Hmong American ethnic communities.

Most scholars have detailed the various reasons why refugees never necessarily stay in their original locations. Refugee secondary migration have largely depended more on social support and the priorities of refugees to reunite with families in the host country rather than the economic or labor concerns of the host country. Oftentimes, refugees realized that the social service organizations in their original relocation sites can no

longer adequately provide for their social and economic needs. Updated knowledge about the geographies, economy, and politics of the host country facilitates refugee agency in determining their final destinations beyond the original resettlement site.³⁰⁰ Historian Chia Youyee Vang's research on Hmong American community formation reveals much about the intentionality of actors in crafting out a lively Hmong urban center.³⁰¹ The Twin Cities in particular has been a self-crafted community that since the 1980s seen the emergence of Hmong American owned businesses. Anthropologist Gary Yia Lee was surprised to witness the booming of the Hmong American entrepreneurial spirit, "During my most recent stay in the United States from 2006 to 2008, I could see clearly how far Hmong Americans have progressed. Across the country, I was astounded to discover this successful diversification into many areas of businesses. Most of them still cater largely to Hmong consumers, but this high rate of participation as service providers within the U.S. economy is to be admired."³⁰² Hmong Americans also hired their own co-ethnics from across the country to work in their businesses as cooks, servers, and bookkeepers, aiding in the secondary migration patterns of Hmong Americans to the Twin Cities.

According to the 2010 Census, the Hmong American population in Minnesota grew to 66, 181. This is a two hundred seventy-three percent increase from the Hmong

³⁰⁰ For studies on secondary migration in the U.S., see Jeffrey Bloem and Scott Loveridge, "The Secondary Migration of Refugees Resettled in the U.S.," *Forced Migration Review* 54 (2017), 26-28; Steven Merrill Weine, et al., "Secondary Migration and Relocation Among African Refugee Families in the United States," *Family Process* 50, no. 1 (2011), 27-46; David Haines, "Southeast Asian Refugees in the United States: The Interaction of Kinship and Public Policy," *Anthropological Quarterly* 55, no. 3 (1982), 170-181; Catherine Besteman, *Making Refuge: Somali Bantu Refugees and Lewiston, Maine* (Durham: Duke University Press, 2016).

³⁰¹ Chia Youyee Vang, *Hmong America: Reconstructing Community in Diaspora* (Urbana: University of Illinois Press, 2010).

³⁰² Gary Yia Lee, "The Spirit of Enterprise and the Emergence of Hmong and Hmong American Identities: Reflections of a Hmaong Anthropologist," in *Hmong and American: From Refugees to Citizens*, eds, Vincent K. Her and Mary Louse Buley-Meissner (St. Paul: Minnesota Historical Society Press, 2012), 92.

American population in 1990.³⁰³ This dramatic upsurge within a twenty-year timespan solidified Minnesota the state with the largest Hmong American concentration. By the end of the 2000s decade, Hmong Americans were making history with a series of “firsts.” The first Hmong American elected to public office was Choua Lee of the Saint Paul School Board, while the first Hmong American female chiropractor was Yer Moua-Lor of Saint Paul.³⁰⁴ Experiments in the literary and art scenes produced the first Hmong arts journal *Paj Ntaub Voice* and the first Hmong American arts organization, The Center for Hmong Arts and Talent. As a nucleus for pioneering advancements in entrepreneurship, arts, and politics, the Twin Cities in general, and Saint Paul in particular, has fostered the growth of Hmong Americans within various economies. This historical context of Hmong American community development and (re)construction in Saint Paul details the profound impact that the flourishing of the Hmong American population has had on the invention and emergence of new ways of being and existing for Hmong Americans in the U.S.

Queer Histories in the Midwest

The materialization of queer Hmong American spaces in Minnesota owes itself to longer histories of queer organizing and politics as well. Minnesota’s economic histories of the lumber industry in the early twentieth century provided spaces for homosocial and homosexual relationships to proliferate. Feminist pornography debates in the 1980s resulted in a renewed feminist politics that saw the emergence of sex shops, bathhouses,

³⁰³ For an analysis of the Hmong population in the U.S., Mark Pfeifer, John Sullivan, Kou Yang, and Wayne Yang, “Hmong Population and Demographic Trends in the 2010 Census and 2010 American Community Survey,” *Hmong Studies Journal* 2 (2012), 1-31.

³⁰⁴ Erika Lee, *The Making of Asian America: A History* (New York: Simon and Schuster, 2015), 346.

and saloons in the Twin Cities.³⁰⁵ In 1970, Minnesota also saw the first same-sex couple who after exchanging legal vows, attempted to apply for a marriage license. Jack Baker and Michael McConnell were a couple whose case *Baker v. Nelson* reached the U.S. Supreme Court, where the highest court unfortunately ruled that limiting marriage to opposite sex couples did not violate the U.S. constitution. Nonetheless, their case set a precedent regarding Minnesota's uniqueness in queer politics that would eventually lead to the legalization of same-sex marriage in the case *Obergefell v. Hodges*.³⁰⁶

In 1972, University of Minnesota history professor Allan Spear was elected to the Minnesota senate. Spear came out as gay in the *Minneapolis Star* newspaper two years later in 1974. Spear became the first openly gay elected official in the U.S.³⁰⁷ Karen Clark was the first openly lesbian to be elected to Minnesota office when she was elected in 1980. Clark worked tirelessly with Spear for the next decade on including lesbians and gays in the Human Rights Act. On April 2, 1993, Minnesota finally became the eighth state to ban discrimination based on sexual orientation by including protections for lesbians and gays within the Human Rights Act.³⁰⁸ Minnesota's progressive politics also led to it being one of the first state to reject a constitutional amendment banning same-sex

³⁰⁵ The Twin Cities GLBT Oral History Project, *Queer Twin Cities* (Minneapolis: University of Minnesota Press, 2010); Pamela Butler, "Sex and the Cities: Re-Evaluating 1980s Feminist Politics in Minneapolis and St. Paul," in *Queer Twin Cities*, eds. Twin Cities GLBT Oral History Project (Minneapolis: University of Minnesota Press, 2010), 203-239.

³⁰⁶ See Michael McConnell with Jack Baker, *The Wedding Heard 'Round the World: America's First Gay Marriage* (Minneapolis: University of Minnesota Press, 2016); For more histories of feminist and queer social movements and politics in Minnesota, see Stewart Van Cleve, *Land of 10,000 Loves: A History of Queer Minnesota* (Minneapolis: University of Minnesota Press, 2012); A. Finne Enke, *Finding the Movement: Sexuality, Contested Space, and Feminist Activism* (Durham: Duke University Press, 2007); Georgina Hickey, "The Geography of Pornography: Neighborhood Feminism and the Battle Against 'Dirty Bookstores' in Minneapolis," *Frontiers: A Journal of Women's Studies* 32, no. 1 (2001), 125-151; Donald Alexander Downs, *The New Politics of Pornography* (Chicago: University of Chicago Press, 1989).

³⁰⁷ Allan Spear, *Crossing the Barriers: The Autobiography of Allan Spear* (Minneapolis: University of Minnesota Press, 2010), 211;

³⁰⁸ Joshua Preston, "Senator Allan Spear and the Minnesota Human Rights Act," *Minnesota History* 63, no. 3 (2016), 76-87.

marriage, something I will explore in depth in chapter six. This precise but significant social and legal history contextualizing the queer activism in Minnesota within the last forty-five years then ultimately facilitated the development of Minnesota and the Twin Cities as a manufactured location for the emergence of queer Hmong American communities.

Two Hmong American gay men Phia Xiong and Xeng Lor founded Shades of Yellow (SOY) in 2003 as an informal support group for other queer Hmong American youth. SOY became the first organization dedicated to creating cultural and social change around issues that matter to queer Hmong Americans and Asian Pacific Islanders. SOY formalized into a non-profit organization in 2006. This was possible after SOY received a large three-year grant from the Asian Pacific Islander Philanthropy Fund and came under the fiscal agency of Hmong American Partnership, and was able to hire its first Executive Director, Kevin Xiong, in 2009.³⁰⁹ Subsequent grant money from organizations such as the Knight Foundation and Headwaters Foundation for Justice allowed SOY to grow into a larger institution where they hosted several LGBTQ Hmong New Years for a decade (2006-2017), until its dissolution in 2017.³¹⁰ The SOY New Year in which I was a volunteer in 2011 saw the crowning of Summer Thao as the first transgender beauty queen. This history of LGBTQ and queer Hmong American community formation and political insurgency is the fertile grounds for Saint Paul to emerge as a queer Hmong American diasporic location. Furthermore, the coming into “community” and “identity”

³⁰⁹ Shades of Yellow, accessed June 3, 2016, <http://www.shadesofyellow.org>.

³¹⁰ Sao Sue Jurewitsch, “Hmong GLBT Community Celebrates SOY New Year 2007,” *Hmong Times*, February 1, 2006; Wameng Moua, “Growing Gay Community Celebrates in Style,” *Hmong Today*, March 1, 2007; Wameng Moua, “SOY New Year Celebrates the Growing GLBT Community,” *Hmong Today*, February 2008; Wameng Moua, “The GLBT Community Celebrates Another Year of Growth and Togetherness,” *Hmong Today*, March 2009; Tom Laventure, “Shades of Yellow: First Hmong LGBTQ Fundraiser,” *Twin Cities Daily Planet*, December 23, 2009.

is historical, political, and socially crafted, as Weston also performs in exercising “community” as a vantage point in which to understand historical and social processes, as I have showcased how Hmong American subjectivities around race, gender, and sexuality are non-essentialist and non-commonsense.³¹¹

Queer Hmong American Youth Crafting Communities

Tou Bee, a twenty-five year-old gay Hmong American male, did not have any furniture in his apartment when I visited him to conduct our interview. A beautiful tapestry, however, was hanging on the wall, which conspicuously brightened up his apartment in the absence of furniture. We sprawled on the floor drinking sparkling water and discussed at length about what it means to be both Hmong American and queer. Tou Bee arrived in Minnesota from California, where he was born, to pursue graduate studies at the University of Minnesota. When I asked him why he migrated to Minnesota, Tou Bee states, “I chose Minnesota because, one, it’s pretty good, it’s ranked pretty well, and especially the department that I am in, and one of the other reason, also because muaj Hmoob people here thiab [There’s Hmong people here too], I wanted to come here for that.”³¹² Our conversation progressed to the point where we discussed the idea of a queer Hmong American community in the Twin Cities. That was when Tou Bee revealed to me his other reason for migrating to Minnesota, “I mean one of the reasons I came here is because of queer Hmong people. I mean, I cannot say I didn’t come because of that.” I laughed along with Tou Bee as he continued, “I feel like it’s very comparable like how most of the queer people here talk about San Francisco or New York City, you know,

³¹¹ Weston, “Take Thee To A Big City,” 124.

³¹² Tou Bee, personal interview with author, December 5, 2016.

there's queer Hmong people [here]. You can actually meet queer Hmong people at the bars. You can meet them on the apps and stuff. It's like our...like the queer mecca."³¹³

Tou Bee's decision to come to Minnesota is two fold. First, there is a large Hmong American community in the Twin Cities. About eight hundred Hmong American students attend the University of Minnesota. However, one can also find queer Hmong Americans on dating apps and at local bars. In an era where users on gay hook-up apps such as Grindr and Jack'd are commonly displaying the phrase "No Fats, No Femmes, No Asians" on their profiles, finding queer people of color on these apps are crucial to combating the racist and harmful limitations that users on these apps perpetuate in the dating and hook-up scene. Hmong Americans and other queers of color frequent clubs and bars such as the Saloon and the Gay 90's, and the Hmong American-owned Checkerbar. However, similar to the gay Asian men in Eric C. Wat's study reveals from the 1970s and 1980s, gay Asian American men were excluded and marginalized in the gay scene. Intra-Asian differences even in "rice bars" made Asian American queer coalition building difficult as well.³¹⁴ Because of these difficulties, queer people of color forming friendships and sexual relationships in real time becomes just as important as seeing other queer people of color in digital spaces.

In my interview with Zoua, a twenty-eight year-old Hmong female who identifies as lesbian, she recounted to me her history of migration from California to North Carolina, and then to Minnesota. Zoua was born in Fresno, and moved to North Carolina, where her isolation only solidified, even though she would go to the gay clubs in

³¹³ Ibid.

³¹⁴ Eric C. Wat, *The Making of a Gay Asian Community: An Oral History of Pre-AIDS Los Angeles* (Lanham: Rowman and Littlefield, 2001).

Charlotte. When she did see LGBTQ peoples, she wondered whether they were from the area or from elsewhere, complicating the dichotomy of the urban/rural that exists within queer subjectivity as she states, “I would go to Charlotte and party, and I still don’t even see any [LGBTQ people]. I don’t know if, and my brother, he’s taken me to the gay bar and club a couple of times. And I’m like, where do all these people live? Are they from around here?”³¹⁵ Compared to Minnesota, where a “culture” of sex-positivity means the emergence of various queer folks, Zoua’s earlier life despite living near a sizable city meant its culture did not foster such queer materialization.

Zoua joined the military after high school, and was discharged from the military after experiencing heart problems. Her mother moved to Minnesota, and she joined her mother after being discharged from the military because she did not want to regret dying from her heart problems without first reconciling with her mother with whom she has had a volatile relationship with since her coming out. Zoua states, “I was really scared that if I was to die, I don’t want my mom to live with the guilt of how she treated me. And I don’t want to live with the guilt that I never asked for forgiveness or tell her I was sorry, and that I still love her. And after all these years, we didn’t talk to each other; And she said to come up to Minnesota because if there’s anything that should happen to me, then at least I’m there with her, and she can take care of me.”³¹⁶ Zoua and her mother did not have a good relationship after her coming out, and her sentiments referenced her desire to reconcile with her mother. Her mother, however, unexpectedly moved out of Minnesota shortly after Zoua arrived in the Twin Cities. She nonetheless stayed in the Twin Cities because she came to find out that there were many queer Hmong Americans living in the

³¹⁵ Ibid.

³¹⁶ Zoua, personal interview with author, December 10, 2016.

Twin Cities. She states, “My intention to come up here was not to be with the queer community, it just happened that way. I came up to be with my family, and then my family left, and then I’m like ok, that’s when I’ve already met some queer folks, so I’m like okay fine, at least I know I’m accepted here.”³¹⁷ Zoua’s decision to stay in Minnesota because of the queer community highlights the unique history of Minnesota as a place of queer social belonging for queer Hmong Americans, but also the progressive and liberal political and cultural landscape of Minnesota. Take further our extended conversation:

ZOUA: When I was in North Carolina, you don’t ever hear, like this person is cheating on their wife or husband. And even when I was in California, it’s like you knew about it, but nobody actually ever spoke about it. Like they just kind of, pretend like it didn’t happen you know, but everybody knew about it. And then when I came to Minnesota, it was like more open to it. I was like wow, different, you go to different areas, it’s different, like how the community is.

KP: Ok, so how, what do you mean like open about it in Minnesota? What are some things that people do? Like adults, or the politics?

ZOUA: I would say it’s more like the adults themselves. It’s more open to new things. They’re not so reserved. I know in California, people are so reserved [...] I would say Fresno itself, and then like pretty much everybody is really close. Everybody knows each other. You don’t like go out there like you know, oh yeah, talk about your sex life. You know, you don’t ever hear about it. But when I came up here, most of the adults I hang out with, they talk about their sex life, I’m like oh ok, they’re open about it you know. I can see the difference like, the difference between, the culture-wise, the tradition and stuff, it’s different. That’s why I’m like Minnesota is kind of more open to everything. And even when I’m in California, I was like, I didn’t see much LGBT down there. And then I moved to Minnesota, and everyone’s like there’s a lot of them down there in Fresno, but I was like, I didn’t see none. I mean it wasn’t like I was trying to go look for anybody, but I was open to meeting anybody that was. But I’m like, everybody is so scared to come out. [...] Nobody wanted to come out and say hey, I am like this you know. And then when I came up to Minnesota, everybody was so open. I’m like wow, I just met ten new people who were gay or lesbian just like that.

KP: So then the gay and the lesbian people themselves were open? Or like other Hmong people were accepting of gay and lesbian people?

³¹⁷ Ibid.

ZOUA: They were more open to accepting, and I met more people who were. Yeah, it went both ways.³¹⁸

It is not so much that Minnesota had more Hmong LGBTQ peoples. Rather, the culture of the Twin Cities and people's openness to discuss sex and sexuality was what was appealing to Zoua. The Twin Cities played a double role, non-LGBTQ were both more sex-positive and accepting of LGBTQ peoples, and there were more LGBTQ peoples that Zoua knew. This simultaneous experience of witnessing the politics of sex positivity was crucial to Zoua's decision to stay in Minnesota after the departure of her mother, who was her closest family member in Minnesota. This seeming sex-positivity and open-mindedness to LGBTQ people is attractive to queer Hmong Americans who come here to reunite with family, find community, and discover themselves. Zoua's experience with the openness of people around her in discussing sexuality such as people's personal sex lives means sex is not seen as a taboo, repressed, or stigmatized subject. Contrary to popular narratives of Hmong Americans as a sexually repressed culture, speaking of sex may be more commonplace than what is known within Hmong American ethnic communities.

Feelings of social belonging for Zoua are simultaneously crafted in the context of a progressive sex-positive political and social atmosphere *and* the creation of non-filial relationships with other queer Hmong American youth. Precisely, the queer diasporic pull of the Twin Cities cultivated not just a physical relocation, but also one of renewed kinship affiliations. Her mother leaves Minnesota as she arrives, although it was the mother-daughter relationship that compelled her migration to Minnesota in the first place. However, her decision not to follow her mother in the subsequent relocation does not

³¹⁸ Ibid.

denote her detestation of her mother. The renewed feelings of social belonging crafted among people who “accept” Zoua diverges from heteronormative family units (and nations) that queer diasporic critics have critiqued. Brian Keith Axel has clearly delineated this feeling of affiliation by situating bodies as affiliative tools refashioned for purposes of replenished networks of social belonging.³¹⁹ Zoua’s heart problems materializes her relocation to seek her mother’s parental care, but simultaneously does not compel her to follow through on this parental care in the aftermath of her mother’s departure. This non-normative usage of her body in relation to kinship is important precisely because of the ways care and health are intertwined simultaneously to reveal the ways queer Hmong American youth like Zoua feel at peace within alternative systems of social belonging.

Narratives of queer Hmong American youth within this angle of place take a critical place in subjectivity. Whereas popular discourse of ethnic homophobia is rampant within Western discourse of queer liberation, the lived experiences of queer ethnic subjects trouble such discourses. Identity is often dichotomized or compartmentalized for queer ethnic subjects within queer liberation projects (i.e. white queer liberation projects). Such projects are in line with neoliberal life trajectories of youth who “move away” from their parents’ home in order to “grow up” and “discover themselves.” Such a narrative pervades stories about moving away to college, for example. This life trajectory privileges the individual’s search and discovery of freedom and maturity. For queers, such a journey promises even further freedom as they can explore themselves in the anonymity of the big city. However, such renderings do not fit neatly for ethnic subjects,

³¹⁹ Brian Keith Axel, “The Diasporic Imaginary,” *Public Culture* 14, no. 2 (2002), 422-425.

who have other experiences of coming of age that trouble neoliberal life trajectories.

Take for example, Phillipe Thao's narrative as a gay Hmong male who has moved from his native Wisconsin to a large metropolitan center like Chicago:

Harboring this secret [of being gay] only fed resentment and anger toward my parents, but especially my Hmong culture. *I can't be gay because I can only be Hmong*, I would tell myself. When I moved to Chicago, everything I ever knew about my identity changed and I would question my culture more than ever. [...] I was in a brand new city where no one knew my name. Telling others I was gay wasn't a big deal, and I could walk down the street holding hands with another man and not have to worry. I didn't feel the pressure to live in fear of bringing shame to my family. Living alone in Chicago was, and is, the best time of my life because for the very first time I am able to truly experience what it feels like to just *be me*. [...] As my sense of self strengthened, my Hmong identity was becoming lost and I found myself in a constant battle between figuring out who I was and what values I wanted to live by. While living in Chicago and solidifying my gay identity, I felt like I was betraying my Hmong side.³²⁰

In certain ways, Thao's experience is not different from the lesbians or gay men of color from Weston's study. The city brought partial freedom for Thao to walk down the streets holding hands with another man without fear of shaming his family. However, he questions whether he is "losing" his Hmong American identity. Weston's article did not elaborate on racial identities and its relation to gay community consciousness. Thus, Thao opens the door for us to interrogate how it is that racial and ethnic identities are also simultaneously being questioned in relation to the supposed "liberation" of one's gay identity. It is unclear from Thao's narrative whether he wishes to be around more Hmong Americans, or provide specific details on how to reconcile this tension. The "Hmong culture" that Thao speaks of has taught him certain ideals which was missing from his life in Chicago. His opening line reveals that by being away from a "Hmong culture," he begins to actually come closer to critically questioning and appreciating it. The proximity

³²⁰Phillipe Thao, "Not Just Hmong. Not Just Gay. Just Phillipe" *The Odyssey Online*, February 1, 2016, accessed February 15, 2016, <https://www.theodysseyonline.com/not-just-gay-not-just-hmong-just-phillipe>.

to “culture” is crucial here because it dovetails culture as a site of interrogation and affective mode of being rather than the explicit acts of openness attached to gayness that he describes (i.e. holding hands with another man). In many senses, “culture” is the contestation about belonging and about being a whole person where identity and a sense of belonging can be intact, if not in tension. “Culture” is about affect and about the ways things are, whereas queerness is material, at least for Thao. Thao’s experience does not lie in the Minnesota context, but within the context of a Hmong American enclave in Wisconsin. Like Her’s *From STP to SF & Back to STP*, his experience about moving away from larger Hmong American communities to a place where there are no Hmong American communities does not denote “liberation” in the dominant common sense.

These individuals referenced larger Hmong American communities as sites of social belonging. The claims of Tou Bee, Zoua, and Phillippe reveal how their longing for and ties to cities with large Hmong American populations challenges notions of a hyperhomophobic ethnic enclave. Living among an ethnic community means ethnic subjects have access to others who share their background. This is a departure from non-intersectional frameworks that posit queer subjects as leaving ethnic enclaves to experiment or “discover” their queer sexuality. Such hegemonic framings postulate ethnic enclaves as intolerant of queer sexuality, while foregrounding race as the unifier of ethnic subjects. However, Zoua shows that Hmong Americans living in the Twin Cities are not merely open to queer people, they are also open to general sex talk that challenges the supposed conservatism of ethnic enclaves. In Tou Bee’s recounting, we see that having queer Hmong Americans also factors in social belonging because white queerness is not necessarily the location where he would find belonging. And for Phillippe, leaving

the ethnic enclave in Wisconsin for Chicago meant compromising his identities, so much so that Chicago did not mean he achieved full liberation for being a queer Hmong American. This intersectional framing of social belonging explicates the intricacy of “community” and its role in subject formation for queer Hmong American youth.

Community is often looked upon as the site of belonging and unequivocal good. Within the theoretical frameworks of Hmong American subject formation, a search for others or for community undergirds social belonging. However, belonging is not always stable within ethnic communities. Although queer Hmong Americans migrate to Minnesota for “community,” they often find themselves struggling to fit in at times. As our conversation progressed, Zoua revealed to me the uneasiness she felt when in Hmong American spaces, “At the store, the New Year, the J4, anywhere where there’s a lot of Hmong people, Hmong Village, I feel like people just look at you. They be like, looking at you like dang, is that a guy or a girl? You already instantly know, when you’re used to it, you can tell by the eye gestures and how they carry themselves to give you that feeling that they’re judging you right away. You don’t even have to speak to them or whatever.”³²¹ Zoua’s presence at prominent Hmong Americans spaces in the Twin Cities such as grocery stores, the Hmong American New Year, the Annual July Fourth Soccer Tournament/Freedom Festival, or shopping centers like Hmong Village would transgress heteronormative spectatorship. In this instance, she described eyes movements that intimate curiosity and confusion at best, and violence and animosity at worse. The judgment that Zoua experienced from her presentation as a non-normative lesbian woman can unsettle spectatorship. However, such transgression is not necessarily “liberatory” in

³²¹ Zoua, personal interview with author, December 10, 2016.

the sense of unsettling taken-for-granted norms. Zoua's experiences reflect the subtle, yet, violent ways that heteronormativity within Hmong spaces make her feel isolated, unwelcomed, or judged.

In another interview with Moua Kong, a twenty-eight year-old gay Hmong male, revealed to me his feelings of invisibility, "For me, I feel non-existent. I don't feel I exist in the Hmong community as a queer, or the hetero Hmong community, as a queer. To me, I have to suppress myself to, even if I don't suppress myself, I just live the way I am, I live and breathe the way I do, I feel that, the Hmong society, the Hmong community would still not acknowledge the part about me, is that I'm gay." However, when I asked what he thinks about the queer Hmong American community, he answers, "I think that we all share this connectivity with our Hmongness that for some reason, for all the queer Hmong Americans, the majority of the queer Hmong Americans that I know or hang out with, we all understand or share a mutuality, a commonality. We are still a very small community, but we understand. We know the oppression that our community puts on us, our Hmong community puts on us. We know the bigger scale of what the mainstream media doesn't accept us because we're Asian, we're Hmong, we're the minority of the minority. They don't acknowledge us."³²² VPL, a gay shaman from North Carolina, also writes in his Raising UP Narratives, "I don't feel any support from the Hmong community of me being gay. I believe that in the traditional sense, LGBTQQI does not fit in the Hmong culture. I think that the biggest issue I am facing is with my parents. I love my parents and I know that if I come out, it will only upset them. Even if I had made

³²² Moua Kong, personal interview with author, December 27, 2016.

them proud in many ways, if I come out, then all the things I did to make them proud will mean nothing, because the shame of me being gay is much worse.”³²³

Moua Kong’s and VPL’s experiences suggests the multi-layered dimensions of community that Vang articulates in her research as she writes, “Multiple layers of community building exist. [...] The layers are complex because newly formed communities facilitate the invention of new identities while simultaneously generating intra-ethnic group tensions on multiple scales.”³²⁴ The discourse of and subsequent materializations of hyperheterosexuality within Hmong American imaginations of normative social relations eclipses queer identities, subjectivities, and socialities that lie underneath the surface. Moua Kong’s struggle for visibility within the “Hmong hetero community” suggests that there is a particular power at play in his visibility that is illegible to heterosexual people. Furthermore, his specific allusion to “hetero people” is important because it is heterosexual people who are the subjects through which a compulsory hyperheterosexuality works its ideological and discursive powers. Heterosexuality is heightened within hyperheterosexuality that individuals such as Moua Kong and VPL feel “non-existent.” This fissure around sexuality within Hmong American communities divulges multiple volumes about the fragmentations of community building and community cohesion.

While it is inevitable that intersectional identities will emerge from the conglomeration of people into communities vis-à-vis capitalism, these identities begin to emerge amidst the larger context of racial formation that is more salient for Hmong

³²³ VPL, “Raising UP VPL’s For the Love of My Parents Narrative,” *Midwest Solidary Movement Blog*, February 28, 2014, accessed February 28, 2014, <https://mwsmovement.com/2014/02/28/raising-up-vpls-for-the-love-of-my-parents-narrative/>.

³²⁴ Vang, *Hmong America*, 2.

American community formation. Furthermore, as Hall has articulated about identification, that the production of identity must be contended with the disturbing but necessary recognition that an Other must emerge within that context. Hmongness can be cohered in so much as an abjected status, queerness in this case, is excluded within processes of identification. Unsettling community formation in this sense brings forth how implicit modalities of power work in the creation of identities of difference.³²⁵ This project of community formation then renders visible queerness only through its exclusion within the “Hmong American community” that are revealed in the narratives of these queer Hmong American youth.

Formulations of “community” can be further muddled through sub-cultures and sub-communities along differential identities such as race, class, gender, sexuality, etc. Weston details the ways queers moving away to the coastal cities for liberation have found communities, while some have come to find that “community” among queer folks is more difficult than what is imagined. The difficulty of community lies in the instability that is the “Hmong American community” in the first place. How about the existence of a *queer* Hmong American community? What does this sub-community entail? I asked all my participants this question, “Is there such a thing as a Hmong LGBTQ community?” My interview with Mai Tooj reveals the tension within this question, “What comes to mind is, what the hell do we even consider the Hmong community too? We’re just a smaller scope of that. So how do we have a sense of Hmong community by itself, so before I can answer that, what the fuck does Hmong community mean? We’re just throwing in Hmong LGBTQ into that.” This difficulty in placing oneself within some sort

³²⁵ Hall, “Who Needs Identity?,” 17-18.

of “community” is not neatly deployed nor do they denote a sense of security in the traditional sense of community. Mai Tooj’s deferral back to interrogating what is the Hmong American community and identity in the first place indicates her desire to figuratively and materially define that structure of identity before delineating into sexuality, a process that hints at intersectionality, but simultaneously, suggests the instability of the larger identity structure that supposedly undergirds the subcultures and vernacular identities within it.

In my other interviews, queer Hmong American youth simultaneously found solace in the “queer Hmong American community” as much as they are disillusioned by it. Some queer Hmong American youth find themselves disavowing labels and affinities with other queer Hmong American youth more strongly, suggesting the fluidity and volatility of identity categories altogether. Because identity categories such as “LGBTQ” can often reproduce their own violent essentialisms, subjects may disavow strict identity categories of difference particularly as identity is tied to visibility. It is no secret that within the so-called LGBTQ community, cisgender queer folks often recreate the violences of normativity against non-normative people, transgender, genderqueer, or gender non-conforming individuals. Gay men harbor sexist and misogynistic attitudes towards women or lesbians, and lesbian and gay men both exclude and render invisible bisexual peoples. White gay men and lesbians refashion an assortment of covert and overt racisms, while homonationalist queers in the West restructure patriotic nationalisms into violence against non-citizen queers in the global south. A host of exclusionary practices are rampant within the so-called “queer community,” as Pakou, a twenty-eight year-old bisexual woman states, “My biggest issue in the sense of belonging in the gay community

is having to try to prove to other people [other LGBTQ people] that I *am* gay. When we talk about a sense of belonging in the community, that's the one thing I struggle with the most."³²⁶

Furthermore, the affinity with which identity is then often entwined with community represents the forced visibility that some queer activists want all queer people to embrace and maintain. Ping Pong, a twenty-four year-old pansexual woman comments, "For me [and] one of my good friends, we don't like hanging out with certain people. [...] We don't like hanging out with strong activists, like LGBT. They come off pushy. Because you're this way, you're that way, maybe you should come hang out with us. And it's just not common grounds for us. I'm not the type of person to be pushy, like oh you should talk about this. You should go out there and tell people how you feel. And you should only be in the spotlight, if you want to be. And I'm the type of person who definitely does not want to be. I don't want the entire world to see that part of me, because that is one of my, my sexuality is, who I want to be with, is my personal life. And I don't like putting that out there for everyone. [...] And for me, it's just me being in my safe zone."³²⁷ Ping Pong's partner, Jimmy, a twenty-eight year-old male who identifies as FTM, asks her if she meant that she wants to feel more "normal."³²⁸ Ping Pong insists her critique is not to reproduce normativity by disavowing the visibility of queerness and her sexual difference. Rather, by situating herself apart from activists who want to be visible as LGBTQ, she further points to how such a goal is not the best solution for liberation for all Queer Hmong Americans. An automatic identification with

³²⁶ Pakou, personal interview with author, January 16, 2017.

³²⁷ Ping Pong, personal interview with author, January 6, 2017.

³²⁸ Jimmy, personal interview with author, January 6, 2017.

queer for her means to perform a visible transgression of normative space. However, while transgression is a desirable queer decolonial and liberation strategy, so is safety.

Community is idealized within academia and popular discourse more generally as a universal virtue where acceptance and maintenance of the “community” is beneficial for everyone. Furthermore, “community” is invoked as sustaining a wholeness for ethnic subjects in order to resist a white supremacist society. Benedict Anderson hammers this point in *Imagined Communities* when he describes how nations and communities inspire love among its populace even when it is clear that not all of a people in any given nation will ever meet one another.³²⁹ Surely, such a deployment serves its purposes in de/anti-colonial and anti-racist social movements, but inevitably reproduces other inequalities that it sought to eradicate. Well before my interpellation into the so-called “queer Hmong American community,” I too had romanticized community as a place where liberation and freedom could be achieved if I could just “find myself” among a group of people who shared my identities. It is through my own engagement with various groups of queer, Hmong American, and queer Hmong American collectives that I have become more critical and have begun working “against the romance of community.”³³⁰ Feminist and queer theorists have critiqued community many times over, arguing that a romanticized version of community shores up exclusionary practices across race, class, gender, sexuality, nationality, etc. Within activist circles, “community” may be deployed as a practice to exclude those who may share similar identities but nonetheless do not

³²⁹ See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 2006), 141-142.

³³⁰ See Miranda Joseph, *Against the Romance of Community* (Minneapolis: University of Minnesota Press, 2002), for a sustained critique of community. In particular, Joseph studied a lesbian and gay non-profit organization to detail the relationship between the invocation of community and its complicity within violent capitalism.

participate in “activist” undertakings or are not oriented towards social and “community organizing” undertakings.

Tou Bee migrated to Minnesota to study and live among other Hmong Americans and queer folks, but realized the intricacy of “community” in Minnesota, further delineating the supposed homogeneity of queer Hmong American youth. Tou Bee states,

I think there’s a community for all queer Hmong Americans, and then within that, there are smaller communities. So that’s how I see it here. As an outsider, there is an overarching queer community, but then within that, like, there’s sub-communities. [...] Definitely I felt like that [romanticizing the queer Hmong community], other queer Hmong Americans do feel like that who don’t know anything about the queer Hmong communities here. They’re just like, they’re all so progressive, they’re all, everyone gets along, there’s this big happy queer Hmong family here. That’s what, that’s what people think, that’s what it is like before I actually experienced it here. A lot of other queer Hmong people that I know who don’t know anything about here, think. [...] Like when I came here, I realized that not all the queer Hmong know each other, people have their own friend groups, which is normal, because like all the queer people agree. Not everyone is gonna like each other just because you’re Hmong and queer. A lot of queer people have this idea of this romanticized happy queer family, but then you’re actually there, it’s not how it is. But then you find your chosen family. That’s when you find where you belong in the queer family.”³³¹

My earlier work around family corroborates Tou Bee’s experience about “chosen family.”³³² Weston’s work in *Families We Choose* addresses the social constructionist viewpoints of “family” that works against biologically programmed kinship within heteronormative frameworks.³³³ In certain ways, these supposed queer Hmong American communities shore up unequal expectations of homogeneity that exists within heteronormative reproductive systems of kinship. Particularly, studies in Hmong Studies posit the family as tightly close-knit and homogenous. Gendered constructions of

³³¹ Tou Bee, personal interview with author, December 5, 2016.

³³² Kong Pha, “Finding Queer Hmong America: Gender, Sexuality, Culture, and Happiness Among Hmong LGBTQ,” in *Claiming Place: On the Agency of Hmong Women*, eds. Chia Youyee Vang, Faith Nibbs, and Ma Vang (Minneapolis: University of Minnesota Press, 2015), 303-325.

³³³ See Kath Weston, *Families We Choose: Gays, Lesbians, Kinship* (New York: Columbia University Press, 1991).

subjects are represented as existing within clearly delineated roles which do not disturb or upend heteronormative familial structures. Thus, while disavowing “community” and instead drawing on affinities to “chosen family” may seem to have a stronger political potential, queering the heteronormative nuclear family unit.

Queer Hmong American youth furnish community and home (ultimately belonging) in ways that, at first seem to be nostalgic and nationalistic, but ultimately are neither essentialist nor existing within normative-filial networks. A (queer diasporic) claim to the Twin Cities in general, and Saint Paul in particular, as the liberating space of belonging owes itself to larger histories of Hmong American migrations and queer political activism. However, just as history is unstable, youth subjectivities and attachments to the promises of “community” also transform. The conditions of the past enable queer materializations of community, but in that process, changes and produces heterogeneities that controverts the promise of a universal communal liberation. The conditions of the past thus revitalize itself into present materializations, as Hall argues, in turn creates the conditions through which futuristic imaginings of cultural identities and social belonging can emerge. These disparate but interconnected modalities of power constitute cultural identity and thus interpolate subjects into the discourses that it produces.³³⁴

Framing and Naming Queer Hmong American Youth Identities

I write because I, along with the Hmong GLBT community, do not have voice, let alone any representation. I write nonfiction because I want the world to hear the struggles that gay Hmong Americans have to deal with. And by allowing others to hear about our stories, we allow them to understand us as well. My ethnicity is who I am. There is no

³³⁴ Hall, “Who Needs Identity?,” 19.

changing that. I grew up around Hmong people, spoke the language, will always be Hmong, and will die Hmong no matter where I live. No matter what country I take residency in, I will be Hmong. I consider myself a Hmong before anything else. My eyes will always be those of a Hmong person, a gay Hmong person as well.³³⁵

-Ying Thao, *How Do I Begin?*

Researcher Walter Boulden sought to understand queer Hmong American youth's experiences in the hopes of aiding social workers in assisting with the challenges of peoples with multiple "conflicting" identities. The irony lies within these sort of texts whose main goal is to bridge the divide between "Hmong culture" and "American culture," by doing so in ways that actually further exacerbate this division. His article already sets up a negative and dyadic framework of community and identity through the title, "Gay Hmong: A Multifaceted Clash of Cultures." Throughout, Boulden details the conflicts that his participants have with "Hmong culture" and family, reifying the family as an essentialized facet of "Hmongness," and highlights the Hmong language to bolster this claim, "*The very fabric* of their language emphasizes the expectation that men and women get married and have children," as he continues, "With the *entire identity* of the Hmong people based in family, the context of family becomes extremely significant, encompassing the multiple roles of community, nation, and culture."³³⁶ His interviews are used as "evidence" of this framing, weaving queer Hmong American youth subjectivity and identity into one of conflict and cultural deficit that diminishes the myriad strategies and intricacies which "identity" is laid out within the lives of queer Hmong American youth.

While there are moments where Boulden attempted a more nuanced and

³³⁵ Ying Thao, "The Art of Fishing," in *How Do I Begin? A Hmong American Literary Anthology*, eds, Hmong American Writer's Circle (Berkeley: Heyday, 2011), 159.

³³⁶ Walter Boulden, "Gay Hmong: A Multifaceted Clash of Cultures," *Journal of Gay and Lesbian Social Services* 21 (2009), 138. Italics mine.

intersectional analysis about racism in the LGBTQ community and about coming out, the analysis lacks depth and he nonetheless exemplified the generational gap that shores up its explanations within constructions of primitivity/modern, Hmong/American, and oppression/liberation. Such a framing is all too similar even within larger literature on youth of color in general, and Hmong American youth in particular, whose identities are situated within oppositional frameworks that demonizes “culture” as the inhibitor to their flourishing within American modernity. “Culture “is conflated with “identity,” and the “clash” is essentialized within subjectivity. Boulden’s claims at times seem to make a point on “culture” and “family” rather than on identity. As such, the discourse of hyperheterosexuality shores up as not the menacing and pathological heterosexual relations, but that of which renders invisible same-sex desires and identities.

Hyperheterosexuality ultimately does not provide space for the flourishing of queerness.

If identity and community simultaneously are binding and flexible, how do queer Hmong American youth reproduce and recreate these intricacies within cultural production and their everyday lived experiences, that while does not essentialize their experiences represented and constructed within social science literature, do explicate the structures of oppression and tactics of agency and self-determination? Identity has been theorized within Hmong Studies in various ways, utilizing frameworks from culture clash to cultural hybridity.³³⁷ Within post-colonial studies, cultural hybridity has come to stand

³³⁷ For reviews on Hmong identity, see Bic Ngo, “Hmong Cultural Club as a Place of Belonging: The Cultivation of Hmong Students’ Cultural and Political Identities,” *Journal of Asian American Advancement and Education*, 10, no. 12 (2015), 1-17; Vincent K Her, “Searching for Sources of Identity in Multicultural America,” in *Hmong and American: From Refugees to Citizens*, eds. Vincent K. Her and Mary Louise Buley-Meissner (St. Paul: Minnesota Historical Society Press, 2012); Vincent K. Her, and Mary Louise Buley-Meissner, “Hmong Voices and Memories: An Exploration of Identity, Culture, and History through Bamboo Among the Oaks: Contemporary Writing by Hmong Americans,” *Journal of Asian American*

in for the ways migration and globalization have influenced and shaped identities after colonialism. Hmong refugee migration from Southeast Asia to the U.S. has undoubtedly affected the formation of identities and categories of difference. However, it is too simplistic an account to frame identity within binaries. Instead, when identity-community relations are enmeshed, they create a messy picture of life that encapsulates those unspoken desires for affinities, and closely strange-yet-distant belonging within those desires for affinities. Much of Hmong Studies scholarship has conflated “identity” into “family.” Furthermore, family as the ultimate location of identity formation and belonging is further defined as the source of oppression.

The family is also conflated with “culture,” supposedly the site of all of Hmong social belonging, does not stand in for complete rejection for queer Hmong American youth. Rather, the experimental nature of a work like Her’s *From STP to SF, & Back to STP* upends the boundaries of family that allows them to envision something otherwise. This is perhaps aligned with the readings performed by Richard T. Rodriguez in his book *Next of Kin: The Family in Chicano/a Cultural Politics*. In his afterword, Rodriguez examines Augie Robles and Valentín Aguirre’s 1994 documentary video *¡Viva 16!* The queer participants in the documentary enacts an alternative “Latino cultural space” where certain renovations of the Chicano family is carried out in order to create a sense of Latino queer belonging. Through these spaces, a new formation of “queer Aztlán,” to use Cherrie Moraga’s phrase, emerges to recast Chicano nationalism into a reimagined version that is less heterosexist and less homophobic. In this way, crafting out spaces of queerness does not disavow Chicano/a-ness, but reorganizes the frames of the “family”

Studies 13, no. 1 (2010), 35-58; Gary Yia Lee, “Cultural Identity in Post-Modern Society: Reflections on What is a Hmong?” *Hmong Studies Journal* 1, no. 1 (1996), 1-14.

which enables queer Chicano/as to resignify the terms of the family which is more liberating.³³⁸ Bic Ngo and Melissa Kwon's research also bolsters this flexible formation within the context of queer subjects' relationships to their heterosexual family members, although the heterosexual family unit is still posited as paramount to queer Hmong American youth identities in their study.³³⁹ By identifying and experimenting with family in queer ways, queer Hmong American youth remake culture, showcasing its flexibility, rather than conforming to its rigidity.

Ma Vang has taken up this form of Hmong American identity within *How Do I Begin?* and the earlier seminal anthology *Bamboo Among the Oaks* by coining the term "writing on the run" to denote Hmong literacy and identification processes as mobile. Vang writes that writing on the run "maps out a Hmong deterritorialized subjectivity that is at once mobile and tied to place and originates with the search for home and belonging that matter to a refugee. A Hmong deterritorialized subjectivity is connected to the persistence of the refugee's condition of homelessness in exile, even for those who were born on the run."³⁴⁰ What concerns Vang is not to map out a specific Hmong American literary formation, but rather, how running informs the ways Hmong American literature is crafted. To this end, Vang orients Hmong American writing as a response to colonial and epistemic violence. It is here that Vang argues how Hmong American writing crafts out the locations where Hmong Americans have been in search of what is yet to come.

³³⁸ Richard Rodriguez, *Next of Kin: The Family in Chicano/a Cultural Politics* (Durham: Duke University Press, 2009), 171-173. For a description on "queer Aztlán," see Cherríe Moraga, "Queer Aztlán: The Re-Formation of the Chicano Tribe," in *The Last Generation: Prose and Poetry* (Boston: South End Press, 1993).

³³⁹ Bic Ngo and Melissa Kwon, "A Glimpse of Family Acceptance for Queer Hmong Youth," *Journal of LGBT Youth* 12 (2015), 212-231.

³⁴⁰ Ma Vang, "Writing on the Run: Hmong American Literary Formations and the Deterritorialized Subject," *MELUS: Multi-Ethnic Literatures of the United States* 60 (2016), 2.

For Vang, writing on the run positions home as limbo rather than a situated place, where the un-essentialized notions of home, community, and identity are all in flux, not knowing, or not settling in one place to “begin.”

This process of “writing,” in which I also extend to identification processes, does not denote that Hmong American youth are indeed “coming into” existence as legible subjects from a previously unknown and oral culture. As Vang argues, writing on the run reflects the deterritorialized and highly subjective nature which Hmong Americans’ history as refugees are implicated in the archives of U.S. memories as “secrets.” This act of writing into being very much reflects the differential power relations from history, which in turn, informs subjectivity within the act of cultural production. Thus, while writing may make one legible, it is not the end all of nor the beginning of subject and identity formation. This parallels what many queer Hmong American youth in my study also relay about spoken words to express queer sexuality and identities. The assumption goes that previously unknown and illegible subjects will transform into legible subjects if they can craft out nomenclature to enunciate or write into being their identities. Surely, the transition from “homosexual” to “lesbian and gay” within medical and popular discourse has made an impact on the legibility and psychological well-being of modern lesbian and gay peoples. In the last several decades, lesbian and gay peoples have also reclaimed “queer” as a word to denote identity. This maneuver has led to the casting off of “queer” as dehumanizing and its reclamation as empowering.³⁴¹ Yet, the creation of terms such as “gay” have their own social consequences, bringing up a host of issues of whether such naming constitute subjectivity, identity, or acts. Furthermore, “gayness”

³⁴¹ See Chen, *Animacies*.

may denote other physical characteristics and demeanors, aiding in the sometimes co-optation by straight and heteronormative societies who translate these identity categories into pejorative meanings (i.e. that's so gay). The word "queer" has come to signify the ambiguity and power that exists within unnamings, or rather, the making ambiguous of identity. This ambiguity was reclaimed to unsettle "gay" and "lesbian" as static and defined identity categories, and even reclaims the previously pejorative and abject status of the word "queer" itself. Writing and expressing one's identities and experiences through Vang's framework of "writing on the run" has the potential to disrupt the normative assumptions that writing and naming visibility would have for marginalized subjects. Writing on the run situates subject formation in history, a history of partiality that while comes into being, highlights the violence that rendered it incomplete in the first place.

Queer Hmong American youth whose identities are predicated on this process of becoming may also situate themselves within domains of language and the relationship between finding "words" to express themselves as processes of legitimation. Words and language work in extremely powerful ways to make identity and make identity legible. Phrases such as "I am gay" can be very affirming for one's sense of self in avowing their existence as different and as *not straight*. There are no words in the Hmong language that translates to "gay," "lesbian," or any other sexual identity. In fact, Pahoua Yang's study of the coming out processes of lesbian and gay Hmong Americans and the language they use to signify their sexualities and sexual identities reveal the difficulty of placing queer

identities into words.³⁴² The absence of this nomenclature has prompted the contemplation on whether language is crucial to queer Hmong American subject and identity formation. The underlying assumption within this conversation from Western perspectives equates the absence of words to vocalize identity as equivalent to a community's homophobia. Thus, the assumption goes, one's life is diminished if one cannot name and vocalize their identity. While the lack of vocabulary to name identity does indeed have negative consequences for one's socialization, it is too simple of a conclusion to attribute it to homophobia within ethnic communities. C. Winter Han suggests that this lack of language to describe and vocalize identity may instead be understood as a long history of a particular people who did not need to mark or stigmatize homosexuality, or did not consider sexuality as a core part of their identities.³⁴³ To be sure, the absence of language can perform ideological maneuvers of stigmatization and dehumanization, but to conclude that such a case stands in for the truth of any particular "culture" is deeply limiting and problematic.

When I asked if the creation of nomenclature to vocalize identity is a necessary project of liberation, my participants offered varying answers, some suggesting the usefulness of words to verbalize their identities, while others were ambivalent, and offered alternative descriptions for sexuality that does not neatly define or designate an "identity." Tou Bee tells me how he explains his sexuality to his parents, "'Kuv nyiam txiv neej' [I like men]. It sounds a little bit awkward when you say it like that, like when you say 'Kuv tsis nyiam poj niam, kuv nyiaj txiv neej.' [I do not like women, I like men].

³⁴² Pahoua Yang, "A Phenomenological Study of the Coming Experiences of Gay and Lesbian Hmong," PhD diss. (University of Minnesota, 2008).

³⁴³ C. Winter Han, *Geisha of a Different Kind: Race and Sexuality in Gaysian America* (New York: New York University Press), 76.

But that's very clear." Here, the extended elaboration of identity does not comprise of a singular word, instead, is a description that Tou Bee tells me is clear to his parents. I asked him if he would like to have a singular word, and he responds that while it would be nice to expand the verbal repertoire of the Hmong language, it would be hard to implement, and could be co-opted by homophobic people who would use it as a slur (such as how "gay" became a slur as in "that's so gay."). Tou Bee continues, "I can't see like, for example, one of my homophobic cousins, or my homophobic Hmong friends back home, wanting to use the word for queer in Hmong. [...] Yeah, because if they did, it would become a slur to them."³⁴⁴ Queer Hmong American youth must use their own words to define themselves, but that a universal word for to name queer identity is not possible because straight people will inevitably co-opt and make pejorative words about gay and lesbian peoples. Moua Kong offers his opinion on this subject matter, "They [Hmong people] don't have a clear label of that. I think it would help if they do. But even if they do, it would require more than just language. I think it would require more of an understanding. I think it would require more of an education, than just language."³⁴⁵ Pingpong understands that even if there are words for identity categories, one would inevitably have to *explain* that word anyways in order to nuance the usage of singular words, she states, "I guess one thing that you can use to explain to them is to say how it makes you feel as a person. That's what it resorts to. I'm like, mom if a guy wants to be a girl, how do you think he feels in his own body?"³⁴⁶

³⁴⁴ Tou Bee, personal interview with author, December 5, 2016.

³⁴⁵ Moua Kong, personal interview with author, December 27, 2016.

³⁴⁶ Ping Pong, personal interview with author, January 6, 2017.

Perhaps one of the responses I found the most interesting comes from Jack, a twenty year-old gay Hmong American man from Madison, Wisconsin who when I asked whether having words to describe identity is a worthwhile project, answers, “In terms of talking to Hmong parents about it [being LGBTQ], I think it’s harder for them to understand it than it is for us to find the words to express it. I feel like even if we find the words to express it, it would be harder for them to fathom and, to register everything and comprehend everything.”³⁴⁷ Jack’s critique is situated from the notion that words do not always adequately capture and translate perfectly within linguistic fields, something Pingpong also alluded to. Rather, words for identity fail to capture identity precisely because of its complexity, even when the subject has named itself, it may not translate perfectly to an understanding for the person with whom he is speaking with. The oral enunciation is only legible and proves its effect in relation to its auricular reception. Language in this sense is not about the difficulty of coming with a word. It is the difficulty of transmitting the complexities of identity categories that is challenging in making comprehensible the message of identity. Queer Hmong American youth understand that language does have the potential to liberate one from invisibility, even centering them within the field of legibility. They are desiring of nomenclature to “voice” queerness, yet are simultaneously wary of its liberatory potential. Moua Kong unenthusiastically commented, “I think if we do have, the language, it would help to an extent. But I think that when people are stuck in their own beliefs, I don’t think that as

³⁴⁷ Jack, personal interview with author, January 12, 2017.

much language as you put onto them, they would listen to. I think that we need something beyond language. I don't know how to express it. We need more than just language."³⁴⁸

In another instance with Zoua, language does not come to stand in for her sense of self-fashioning. Rather, she revealed to me the ongoing tactics that she uses to enact a sense of legibility for her mother, not using language as the physiognomy of liberation, but through her repetitive and subversive acts of discursive practices of bodily gestures. She compounded her gestures with the act of bringing her girlfriend around her mother in order to bolster the legibility of her queerness. Our conversation lucidly illustrates her stance,

ZOUA: For my mom herself, saying it [the word gay] did not register automatically. It was more like, I had to show her that I am like this. Like show proof that I'm not changing, you know. [...] I cut my hair. My hair used to be really long. I used to have long beautiful black hair all the way up to my butt. [...] And then my mom would like, you know, dress me up, I would wear dresses, I would put make up on and everything like that. I wore heels, you know, but I stopped doing that because that's not me. That was someone my mom wanted me to be. I stopped doing that, I stopped dressing in Hmong clothes, I stopped putting make up on, I started dressing like a guy more, like being me. And then she thought I was still going through a phase. And then eventually I started bringing my girlfriends around. And I would be like, mom this is my girlfriend. And I would kiss my girlfriend, I told my girlfriend I love her in front of my mom and all that stuff. I'm like, you know like, I want to show my girlfriend that I love her and I want to be affectionate with her in front of you, so that you do know that I do love her. And that this is love. I'm gonna love her, and you can accept this or you don't. you know, and then eventually she got the idea.

KP: So then do you think it's worth us even trying to answer this question? This question of how do we come up with terms about identities? Is that even a worthwhile thing to do?

ZOUA: It doesn't hurt to try. To me, it doesn't hurt to try, because if you think about it, it's kind of like, what way can we do it to where the Hmong community is understanding of us? No matter what, if we hit them with the Western way, they wouldn't understand it. [...] Yeah, like I'm queer, everything like that. They won't understand it because they're gonna question why why why why. They're always gonna ask why. They want answers.³⁴⁹

³⁴⁸ Moua Kong, personal interview with author, December 27, 2016.

³⁴⁹ Zoua, personal interview with author, December 10, 2016.

These acts are a discursive set of practices that “speak” identity in ways departing from vocal enunciations. It is also in line with Foucault’s theorizations around the discursivity of knowledge and truth, not through a particular “moment” in which a subject can “name” the truth of itself, but “how the prohibitions, exclusions, limitations, values, freedoms, and transgressions of sexuality, all its manifestations, verbal or otherwise, are linked to a particular discursive practice [...] it is discursive practice that is embodied in techniques and effects.”³⁵⁰ This methodology of discursive practices such as cutting off her hair and bringing her girlfriend around her mother are both material and symbolic. Zoua views the aspect of enunciation of identity as “Western” and posits her own methods of “speaking” that are legible for her mother. Standards of beauty such as displaying long, beautiful, black hair signifies a normative gender presentation within Hmong American society for Zoua. She decided to cut off all of her hair so that her mother can understand that it was an act of defiance against heteronormativity. However, her mother did not immediately register these acts as a part of her queer identity, as she stated that her mother *still* thought she was going through a phase. The act was but a part of the transgressive performance that is a part of the whole discursive practice, rendering the process from static normative presentation to one of ambiguity, and then eventually the ultimate acts of showing affection towards her girlfriend was infringing enough to the point that her mother “got the idea.”

Thus, Zoua critiques Western paradigms of enunciation such as the verbalization of “coming out” by aligning it with a system where it does not give answers to those

³⁵⁰ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Knowledge* (New York: Vintage Books, 1972), 213-214.

questioning about queer sexuality. Queer Hmong American youth who have now “come into being” as racialized and sexualized subjects have nonetheless still embraced the ambiguous and precarious potential that comes with being nameless. Because namelessness denotes invisibility within Western paradigms of coming out and identity categories, it is easy to read queer Hmong American youth as *more oppressed* due to a lack of taxonomies in the Hmong language. Furthermore, the ability to “name” oneself exists within liberal paradigms of freedom where “silence” is abjected, and “speaking out” is seen as revolutionary. “Speaking out” in this sense may also parallel “coming out” through hypervisibility, where such visibility is conflated with liberation. When folks fail to speak out, they are assumed to not have a voice, and thus have no sense of agency to fashion themselves.

Subjects can be interpellated into being through other means apart from language, at least in the sense of tangible nomenclature. Scholars of race and ethnic studies who work within queer studies have documented how symbolic or more discursive practices of subjectification can have powerful effects in identity practices.³⁵¹ These interviews and the experiences of queer Hmong American youth reveal the importance of examining the *deployment* of vocabulary as an identity practice, rather than the fixation on creating the nomenclature *to name*. The fact that these youth describe language as something that *may* be useful, *nice* to have, or that it *doesn't hurt to try*, suggests its contingency on a different set of identity practices, discursive ones that which language can elaborate on or

³⁵¹ See Martin Manalansan *Global Divas: Filipino Gay Men in the Diaspora* (Durham: Duke University Press, 2003); Carlos Decena, *Tacit Subjects: Belonging and Same-Sex Desire Among Dominican Immigrant Men* (Durham: Duke University Press, 2011); Jose Quiroga, *Tropics of Desire: Interventions from Queer Latino America* (New York: New York University Press, 2000); Juana Maria Rodriguez, *Queer Latinidad: Identity Practices, Discursive Spaces* (New York: New York University Press, 2003).

build upon as a secondary measure for legibility. Vocabulary as practices of identity is only useful in the face of other discursive acts, where performative gestures or affective descriptors are first elaborated, as in Pingpong's case, in order for an enunciated identity to be illuminated as a supplementary fact. And then in the aftermath of this vocalization, and additional labor must be enacted to explain the terminology, often comprising of complex descriptors of physical and affective acts and dimensions of the identity.

Gloria Anzaldúa writes about the *mestiza* consciousness in "*La conciencia de la mestiza: Towards a New Consciousness*." For her, *la mestiza* must develop a tolerance for ambiguity in her path towards liberation from cultural domination. *La mestiza*, Anzaldúa writes, "learns to juggle cultures. She has a plural personality, she operates in a pluralistic mode—nothing is thrust out, the good, the bad and the ugly, nothing rejected, nothing abandoned. Not only does she sustain contradictions, she turns the ambivalence into something else."³⁵² Queer Hmong American youth learn how to experiment with identities through a host of symbolic devices that thrive under conditions of ambiguity. They do not reject families in service of the self, nor do they see liberation outside of Hmong American ethnic enclaves. The usual discourse of hyperheterosexuality heightens a deviant heterosexuality that denies the blossoming of queerness. In the face of this violence, queer Hmong American youth are enacting ways to recraft and refashion themselves from cultures of domination and illegibility. As Anzaldúa states, "By creating a new mythos—that is, a change in the way we perceive reality, the way we see ourselves, and the ways we behave—*la mestiza* creates new consciousness."³⁵³

The queer potential here for queer Hmong American youth is that there is the

³⁵² Anzaldúa, *Borderlands/La Frontera*, 101.

³⁵³ *Ibid.*, 102.

opportunity to determine the conditions, temporal, space, and place, in which vocal enunciations are enacted and verbalized. While the word “queer” itself in the English language is never fully utilized by the youth, the *absence* of nomenclature is itself an act of queerness. The conditions that names are vocalized *in addition* to the myriad discursive acts and elaborations of identities are already being created. Language in this matter must, according to Judith Butler, “have to remain that which is, in the present, never fully owned, but always and only redeployed, twisted, queered from a prior usage and in the direction of urgent and expanding political purposes.”³⁵⁴

Re-Envisioning Community and Identity in Queer Diasporas

Hmong “community” formation in the post-1975 era has entered a new domain. Not only are physical communities being formed, globalization and the rise of information technology has facilitated the creation of online relationships and identities among the Hmong in the diaspora. Hmong identities in the postcolonial and post-war periods have taken a drastic shift from territorialized agrarian-based affiliations to deterritorial borderless relationships. The Hmong in the diaspora have mapped out an affective belonging within the digital sphere through the circulation of videos, music, and webpages that have connected them to one another.³⁵⁵ Analogously, queer attachments to digitized spaces have also served as starting locations in the search for belonging. Weblogs, forums, chat lines, dating/hook-up apps, YouTube, and social media sites such as Facebook and Tumblr are all digital settings within queer sociality. Pakou’s usage of

³⁵⁴ Judith Butler, *Bodies that Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993), 228.

³⁵⁵ See Schein, “Mapping Hmong Media in Diasporic Space.”

digital spaces to create community is prominent, as she states to me, “I think there needs to be more communities out there for Asians, specifically Hmong communities. Because a lot of them haven’t really come out because of the culture, but for me to fit in, I’m not too worried about that. Because every once in a while, I still message some people, but like, yeah, I still email them [...] like what are you doing here. We’d just message each other through Facebook.”³⁵⁶ Her shrewdness led her to the singing app Smule, a mobile music app that allows users to collaborate and perform duets with other users throughout the world (Smule’s mission is “to connect the world through music”). Smule has allowed laypeople from across the globe to perform “duets” with celebrities such as T-Pain, Jessie J, Jason Derulo, and Charlie Puth through the combination of pre-recorded singing sessions.

Smule was where Pakou finally interacted with Nkauj Zuag Paj. Nkauj Zuag Paj is the drag alter ego of Zane Lor, a Hmong American online personality from Missouri who operates the Facebook page *Zane’s World*. Zane uploads videos, parodies, and Smule recordings to engage his followers from all over the world. *Zane’s World* currently bolsters over eight thousand “likes” and over nine thousand followers. In some Smule videos, Nkauj Zuag Paj dramatically and flirtatiously belts out songs such as Lis Koob Xyooj’s and Maiv Ntxawm Hawj’s duet *Tawm Tuaj Ib Pliag* [Come Out For A While], which depicts the scenario of a man courting a woman out of her bamboo house for a midnight rendezvous. Pakou reveals to me,

So we have created a Hmong Smulers page on Facebook, I’m one of the admins there. We created this community there. And there’s people that’s slowly coming out [...] They come out by portraying themselves as a different gender. [...] Zane, It’s very interesting. It’s not like they’re trying to make fun of the whole homosexuality. It’s that there’s a

³⁵⁶ Pakou, personal interview with author, January 16, 2017.

little something there, and Zane brought it out. I saw him on YouTube, and when he first started, his videos were so funny. I stalked him when I found him. When I saw him singing on Smule, I messaged him, do a duet with me right now! He's like, I don't really know Hmong. No he doesn't know how to read Hmong, but we can just sing *Ntuj No Tuaj Lawm* [Winter is Here]. And that's the first duet we ever did, and it was awesome. It's just like, ever since then, me and Zane would talk on an off. And I know that you are not 100% straight. And he's like, yes, finally someone who knows! And he talked to me, and he came out, and he's like, I like both men and women, and I'm like that's really nice, me too!³⁵⁷

Pakou's discovery of Zane and his duet videos as Nkauj Zuag Paj has transformed her sense of community. Furthermore, her proclamation that Smulers "come out" as queer in their performative gestures as multi-varied gendered peoples suggests that digitized spaces are generative arenas where queer Hmong from around the world are bringing out their identities in inventive, innovative, and imaginative fashions. Pakou does not declare whether users are forthright in their sexual identities, but like Zane, she "knows" that some of the users are not "100% straight."

In spaces where there are no Hmong American ethnic enclaves, or nations where there are no large Hmong communities, queer Hmong Americans have utilized digital platforms to invent spaces of belonging. The cultural productions and materially lived experiences of queer Hmong American youth do not neatly represent the "truth" about "Hmong culture" within static frames as suggested by dominant representations, social science literature, and Hmong cultural nationalism and self-essentialism. In fact, the structures of oppression and moments of fracture should be situated within a complicated subjective perspective that accounts for the nuances, which queer Hmong American youth are enacting in their complex identification processes to belong. Community and identity do not have any particular beginning or end point, as Moraga puts again in her

³⁵⁷ Ibid.

coming out as a lesbian, “What I loved about lesbian love as a young woman was that it seemed to require no conventions.”³⁵⁸ This is particularly the experiences of queer Hmong American youth, who find themselves through migration in the search for physical community, but nonetheless must deconstruct their nostalgias in order to unveil the potential for queerer imaginations that lie underneath this ironic wistfulness. This deconstruction is not to be twisted as a “clash” of cultures, but rather, an experimentation with belonging.

Hmong American communities in Saint Paul seem to be territorialized inasmuch as it is the location of stable ethnic enclaves that can foster the subsequent emergence and invention of queer identities and sexualities. However, queer Hmong American youth experiences reveal that the supposed territorializations of Hmong American ethnic solidarities are more fraught than what is suggested through the romancing of “community.” The conglomerating of queer Hmong Americans together in the Twin Cities says as much about community cohesion as it does about its fissures. The earlier reiterations of “community” and “identity” within dominant discourse posit an unchanging and monolithic “culture” that forecloses the flourishing of queer identities, subjectivities, and sexualities. Furthermore, the essentialization of “Hmong culture” (Hmongness) would lead us to believe that there is either the complete rejection, and thus oppression, or complete acceptance, and thus liberation, of queer Hmong American youth. The experiences and narratives of the queer Hmong American youth in my dissertation speak otherwise. The usage and proximity to “Hmongness” in both community and identity formation does not suppose a uniform Hmongness or “Hmong

³⁵⁸ Moraga, “Still Loving in the (Still) War Years,” 176.

culture.” Queer Hmong American youth have selective desires as to how to implement and attach themselves to Hmongness in ways that are empowering and resistive of hegemonic constructions of what “Hmong culture” permits and prohibits.

Chapter 6

Rethinking Equality: Legibility and the Politics of Same-Sex Marriage in Minnesota

“I’m happy that the marriage amendment went on the ballot initiative,” proclaimed Pao, a twenty-six year-old Hmong American Thai-born cisgender queer male, “I’m happy that it happened, because it forced tag nrho peb cov Hmoob [all us Hmong American] queers to face that reality, and to talk to our communities about that, about gay stuff, about queer stuff, queer gay marriage.” For Pao, the campaign signified a phase in Minnesota where not only did electoral politics collude upon queer intimate social life, but also where Hmong American Americans across the state were forced to engage in conversation about queer issues. For many families, this was the first time they had heard about queer people, or have heard about such a thing as “gay marriage.” It was also three years on the brink of the legalization of same-sex marriage in the U.S. The American deliberations over same-sex marriage reached a point where Hmong Americans too can now critically engage in it. “It forced us to talk to our families, and our friends, and our communities about that. So that’s what I loved about it,” Pao continued.³⁵⁹

During the 2012 election, Minnesota presented Amendment 1, colloquially known as the “marriage amendment,” to voters. Amendment 1 was a ballot initiative that would have amended the Minnesota state constitution to define marriage as strictly being a union between one man and one woman if it had passed through popular voter

³⁵⁹ Pao, personal interview with author, January 10, 2017.

referendum. Minnesotans for Marriage was the organization that advocated for Amendment 1, while the organization Minnesotans United For All Families (later Minnesotans United) sought to reject the ballot initiative. In this vein, Minnesotans United's ultimate goal was to defeat Amendment 1 and subsequent work to pass "marriage equality," or the legalization of same-sex marriage.³⁶⁰ The contestation over Amendment 1 was the terrain in which queer Hmong American youths created their own campaign against the ballot initiative. The battle is also a site where queer Hmong American youths ingeniously imagined belonging, queerness, and "Hmong culture" both within and beyond their own ethnic communities.

In this chapter, I take up the case of a grassroots collective in Minnesota called Midwest Solidarity Movement (MWSM) and their efforts to defeat Amendment 1, to explore the ways law and "Hmong culture" simultaneously make and remake race, gender, sexuality, and belonging. MWSM's members consisted of three queer Hmong American youths who were its founders. Other queer Cambodian American, Lao American, and Vietnamese American youths subsequently participated in the organizing efforts as well, making MWSM more or less a queer Southeast Asian American collective. I joined MWSM during this time because of my connections to and friendships with its founders. Furthermore, my continued work in MWSM during this crucial period was sustained by the fact that MWSM was the only queer Hmong American and Southeast Asian American collective that played a central role in defeating

³⁶⁰ In this chapter, I use the phrase "same-sex marriage" rather than "marriage equality." "Same-sex marriage" more accurately depicts the legalities of a marriage between a same-sex couple, whereas "marriage equality" is the rhetorical phrase used by leftist activists to equate it with monogamous heterosexual marriage, namely through the word "equality." I also use the phrase such as "the legalization of same-sex marriage" rather than "achieving marriage equality."

the marriage amendment. MWSM's efforts are simultaneously situated within the larger mainstream queer movement to legalize same-sex marriage in the U.S., as well as being situated within the context of Hmong American traditional marriage politics, and the place of Hmong American traditional marriages within U.S. law. The self-ethnography of my participation within MWSM organizing, coupled with interviews with queer Hmong American youths about same-sex marriage, demonstrates the vital role that marriage plays in crafting notions of belonging and its relation to law and tradition. In chapter three, I have demonstrated the centrality of marriage in the quest for belonging and citizenship. The notion of belonging is similarly intimately linked to same-sex marriage for queers as it is for Hmong Americans in the quest to pass the Hmong marriage bills. The legalization of same-sex marriage supposedly signals the inclusion of lesbians and gays into the U.S. institution of marriage and bestows upon them social and material benefits. However, I argue, as I have done throughout this dissertation, that it is not enough that Hmong Americans partake in national inclusionary politics through essentialist neoliberal multiculturalism. I argue for a disidentificatory and vernacular formation of "Hmong culture" that tackles what it means to exist within the nation, community, and familys simultaneously as a facet of belonging.

Both law and "Hmong culture" have limits as structures of belonging and legibility. However, they both also offer up ways in which disidentifying with hegemonic elements of kinship can illuminate alternative ways of being and belonging. In *The Wedding Complex*, Elizabeth Freeman states that her goal was to "disaggregate the wedding so that it becomes metonymic not of the timeless, transcendent nature of marriage but of a history of struggle among various institutions, and between these

institutions and the subjects they engender, for control over the forms and meanings of intimate ties.”³⁶¹ I take up Freeman’s vision as well in this chapter to explicate the ways mainstream lesbian and gay social movements around marriage has been subjected to control in order to include and exclude particular subjects, as well as the ways it can be appropriated to make space for alternative futures and realities beyond essentialist and positivist articulations of minoritarian subjectivities in relation to marriage. Furthermore, my goal is to make explicit the contradictions that underlie both “legal” and “cultural” understandings of belonging that supposedly exists within marriage, sex, and social relations. To undertake this analysis, I read texts that implicate the ways “Hmong culture” has been rearticulated in the face of same-sex marriage. Weaving MWSM’s photo campaign, ethnography and participant observation, and queer Hmong American youth narratives together will show how belonging is crafted within both U.S. law and “Hmong culture.” By doing so, I engage feminist, queer, and anti-racist theories to read marriage as sites where race, gender, sexuality, and belonging are contested. Ultimately, what Hmong Americans’ participation in statemaking projects such as the rectification of marriage means is their ongoing struggle for legibility in an institution that both disavows and recognizes marginal and minoritized subjects within its body as a means of legitimating belonging.

Here, I want to introduce new disidentificatory ways to deal with the collusion of law and “Hmong culture” that can suppose a queer reading of how queer Hmong American experiences and activism concurrently exists within same-sex marriage. José Esteban Muñoz’s book *Disidentifications: Queers of Color and the Performance of*

³⁶¹Elizabeth Freeman, *The Wedding Complex: Forms of Belonging in Modern American Culture* (Durham: Duke University Press, 2002), xv-xvi.

Politics is one of the preeminent texts in queer theory to help with the formulation of a disidentificatory framework. Muñoz presents the term “disidentification” to meditate about queers of color who exist within systems of oppression (law or culture, for example), while simultaneously transforming it. Muñoz draws from Louis Althusser’s term of “interpellation,” which posits the ways in which subjects come into being through their insertion within the social order. Thus, state or hegemonic apparatuses can condition the subject into becoming itself. Muñoz then moves to describe how subjects come into being through three modes of socialization, namely, identification, counteridentification, and disidentification. It is here that Muñoz builds on disidentification as the mode of subject formation that has the most potential to fashion political change. Contrary from identification, which is fully assimilating into the hegemonic structure, or counteridentification, which is fully rejecting the hegemonic structure, disidentification “tries to transform a cultural logic from within, always laboring to enact permanent structural change while at the same time valuing the importance of local or everyday struggles of resistance.”³⁶² Furthermore, Muñoz states, “As a practice, disidentification does not dispel those contradictory elements; rather, like a melancholic subject holding onto a lost object, a disidentifying subject works on to hold on to this object and invest it with new life.”³⁶³

Disidentifying with the majority means using its codes as “raw material” for refashioning and then recreating a previously disavowed subject. The conventions of the majority, be it white, heteronormative, upper class, citizens, or Hmong American

³⁶² Jose Esteban Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minneapolis, Press, 1999), 11-12.

³⁶³ *Ibid.*, 12.

essentialist nationalisms, are ruptured through the process of disidentification as violent and universalizing. However, the powers contained within the dominant principles are nonetheless conscripted towards the ends of empowering and illuminating previously unknown and marginalized minoritarian subjects, identities, and politics. Much of what is at hand is the contradictory messages of marriage, which would allow us to take up Freeman's and Muñoz's theories of subjects' relation to hegemonic structures. Queer Hmong American youths who, one way or another, desire or are attached to marriage do so in a fashion unlike that of dominant lesbian and gay social movements. The attachments to and desires for marriage does not entail the desire for whiteness or heteronormativity, nor does it locate queer Hmong American youth subjectivities into a fashion of self-loathing, self-destruction, and self-assimilation. It is about how marriage, as a union but also a framework, opens possibilities for new *life-worlds*.³⁶⁴

George Chauncey has argued within the context of same-sex marriage that marriage has changed since the nineteenth century in four different ways, 1) the right to choose one's partner, 2) the increasing egalitarianism and decreased gender roles, 3) the increasing legal and economic implications of marriage, and 4) the decreasing influence of religion within marriage.³⁶⁵ In other words, marriage may have been historically exclusive within racialized, gendered, and sexualized terms, but may also hold potential for the public to reengage, redefine, and reset the terms and meanings of what marriage should mean for the individuals, the family, the community, and the nation in the era of queer social movements. This modification within marriage, in many ways, also follows

³⁶⁴ Ibid., 31-34.

³⁶⁵ George Chauncey, *Why Marriage?: The History Shaping Today's Debate on Gay Equality* (New York: Basic Books, 2005), 59-86.

the deviations in marriage that I have outlined in chapter three in relation to the Hmong marriage bills. Hmong Americans have historically utilized formal politics since their arrival in the U.S. as a means to assert their political determination.³⁶⁶ As minority polities engage formal politics, structures of hegemonic power begin to shift. While history has not failed to remind us of how minority subjects are often co-opted into hegemonic structures of power, more often than not, such engagement and experimentation with these hegemonic structures fragments power. As Muñoz again reminds us, minority subjects embody complex subjectivities that befall their participation within politics, and as with disidentification, minority identities and practices of self and community within hegemonic structures of power “proceeds to use this code as a raw material for representing a disempowered politics of positionality that has been rendered unthinkable by the dominant culture.”³⁶⁷

Pakou, a twenty-eight year-old bisexual Hmong American woman, takes up what Pao evoked in the opening pages of this chapter, “When [the marriage amendment] was just starting, we had our own group of people that went around telling people to vote no, handing out stickers, and stuff like that.” It was this opportunity to finally put into words the significance of queerness in our political times. The dominant discourse of hyperheterosexuality regarding Hmong American social life that has persisted from the 1970s until the present conceives Hmong Americans as unaccepting and intolerant of queer sexuality. What queer Hmong American youths have experienced up to this point is the failure of words or opportunities to express, much less verbalize, about queer

³⁶⁶ See for example Yang Lor, “Hmong American Political Involvement in St. Paul, MN and Fresno, CA,” *Hmong American Studies Journal* 10 (2009), 1-53; Steven Doherty, “Political Behavior and Candidate Emergence in the Hmong American-American Community,” *Hmong Studies Journal* 8 (2007), 1-35.

³⁶⁷ Muñoz, 31.

identities, subjectivities, and sexualities. And what has been absent in this conversation thus far is the disconnect between politics, tradition, and queer belonging. Thus, when I asked Pakou if there was anybody she talked to who was outright opposed to same-sex marriage, she immediately responded, “no.” As she explained, “It’s all words, if you’re polite to older Hmong American people, they care about politeness. Because if you go to Hmong American parents and say, ‘yuav tsum mus vote no nawb okay!’ [You have to vote no!] they’d be like, ‘whoah!’ Like I said, we grew up very traditional so there’s a formal Hmong, and you have to know how to speak formal Hmong to older people. So you have to say, ‘Oh tus niam tais, oh tus niam ntxawm, nej mus pov npav no ces, vote no,’ [Oh grandma, auntie, if you all go vote, please vote no] speak politely, explain it thoroughly to them.” Pakou utilized the formal semantics of the Hmong language in this political moment to not only educate elder Hmong Americans about same-sex marriage, but secure their political vote. The strategic maneuvering of semantics does not employ certain so-called “in your face” queer strategies. Rather, Pakou’s engagement with formal politics by “going around” and talking to Hmong Americans through an ethical, personal, and disidentificatory approach procured political votes and changed perspectives.

Lesbian and gay social movements for the legalization of same-sex marriage are predicated not on vocabularies of unique differences, but rather, rhetoric of sameness (i.e. we are loving and capable of marriage just like you). Both terminologies of sameness and unique multicultural differences are not elastic enough for queer Hmong American youths to critique and challenge structures of hegemon like that of “cultural tradition” or the law. Taking seriously Muñoz’s vision of disidentification means to consider how hegemonic structures interpellate subject formation and desires along racialized,

gendered, and sexualized lines, but also how these very formations and desires illuminate the fraughtness of such structures in the first place. That is, the difficulty of laying out minority politics into its edifices means we can challenge and see the cracks in these arrangements in order to craft out a disidentificatory and vernacular mode of Hmong American belonging.

Amending Marriage in Minnesota

How do we reconcile that law is the location in which queer subjects have both been historically dehumanized and then subsequently liberated? Furthermore, if “Hmong culture” does not recognize same-sex marriages, but law does, how do we then placate these competing ways of recognition, legibility, and belonging within, family, clan, community, and nation? The paradox within this narrative is the very fact that the question of same-sex marriage in Hmong America remains largely an unexplored business. The recent legalization of same-sex marriage in the U.S. has delivered the message that the state is progressive in providing freedoms for queer subjects. Lesbian and gay rights activists starting in the 1980s began to advocate for a state-based rights version of gay marriage precisely premised upon the changing notion of “marriage” that Freeman and Chauncey details. Furthermore, the state is increasingly involved in legislating and regulating marriage in general, where the state is upheld as the apparatus that which gives protection and rights to subjects irrespective of differences.

This is the version that Chandan Reddy calls the neoliberal security state, which he articulates, “it [the state] positions itself as a guarantor of the rights that organize egoistic life in civil society, most especially the right of contract and the rights and

privileges or recognition that come from making, sustaining, and existing through contracts.”³⁶⁸ Indeed what Reddy argues for is for a queer of color critique of this version of the state in relation to same-sex marriage in the U.S. In promulgating the state as the entity of security, mainstream lesbian and gay organizations have undoubtedly operated within neoliberal regimes of freedom extended from a previous gendered and racialized welfare state, something which Lisa Duggan has argued prominently in her influential book *The Twilight of Equality?* Reddy posits what he calls the second phase of the gay rights movement, which sees contradictions in this version of state-based freedoms.³⁶⁹ He describes this phase as moments where queers of color and immigrants are now showing up in public spaces to disrupt the homogenous neoliberal account of same-sex marriage. Furthermore, explicating heterogeneity within groups such as undocumented peoples adds to the further muddying of the serene and whitewashed mainstream same-sex marriage iteration of freedom. It is here that I take up Reddy’s call, “I believe it is our responsibility as institutionally affiliated intellectuals to take up the challenge of representing this heterogeneity as materially determined and historically produced, and to think through the consequences of that representation.”³⁷⁰

Discussions around LGBTQ rights within larger society have largely revolved around homophobia within religious fundamentalism and cultural essentialism as the main deterrent to same-sex marriage. In fact, right-wing opponents of same-sex marriage have used non-monogamous relations such as “underage marriage” and polygamy as slippery slope arguments of how the institution of marriage may be denigrated beyond

³⁶⁸ Reddy, *Freedom with Violence*, 210.

³⁶⁹ Duggan, Lisa, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2004).

³⁷⁰ Reddy, 214.

same-sex couples. Minority peoples and countries of the global south are especially represented as intolerable of same-sex cultures, identities, and practices while possessing non-normative (hyperheterosexual) sexualities. A facet that I have argued thus far, furthermore, is that the discourse of hyperheterosexuality posits Hmong American Americans as especially hyperhomophobic. However, in the same-sex marriage debates, proponents—often conservative gay Republicans, but increasingly the larger lesbian and gay mainstream social movement as a whole—base same-sex marriage upon and ultimately replicate the heteronormative terms that have caused their social injuries and dehumanization in the first place. Proponents proclaim that same-sex marriage is comparable to heterosexual marriage in that the marriage is a union between two consenting adults. In other words, they pronounce same-sex marriage as a union between two same-sex individuals who can legally contract their own marriage. This avowal of same-sex marriage is concurrently a disavowal of conjugalities to which the Hmong marriage bills sought to curb. Same-sex marriage proponents then argues for the creation of (homo)normative coujugalities that are directly opposite to exotic or deviant conjugalities and couplings within Hmong American communities. Namely, these are unions that involve two individuals who are under 16 years old and between 16 and 17 years old without their parents’ consent, and those who wish to be in a polygamous marriage.

I focus on MWSM and their activities within this cultural battle. Three queer Hmong American youths co-founded MWSM in 2011 to “build power through reclaiming narratives and redefining identities, and organizing for cultural change and

racial justice.”³⁷¹ I also worked with another campaign called Organizing for America during this period to phonebank in efforts to re-elect President Barack Obama, to convince Minnesotans to vote against Amendment 1, and to vote against a simultaneous bill that sought to require that voters have documented identification, colloquially known as the voter ID ballot. Progressive collectives have also worked to simultaneously defeat Amendment 1 and the voter ID ballot initiative through a campaign of “vote no twice.” Ultimately, Minnesotans voted *against* Amendment 1 and rejected the voter ID ballot initiative, which were celebrated as defeats of discrimination in the state. Minnesotans also re-elected President Obama by a fifty-two percent to Mitt Romney’s forty-five percent margin. Minnesota subsequently legalized same-sex marriage in 2013 through the state legislature when it secured enough seats during the 2012 election cycle to do so. MWSM was once again at the state capitol to cheer on this move while oppositional parties protested.

I read a photo campaign that was circulated on social media, as well as my activist observations at the phone banks and 2013 rallies at the state capitol, to understand how law and culture are simultaneously utilized within the debates around the defeat of Amendment 1 and the legalization of same-sex marriage. I argue that through activism, MWSM successfully and creatively retells the Hmong American refugee story amidst the backdrop of Amendment 1. That story encompasses notions of “Hmong culture” and kinship emblematic of a non-normative set of social practices and embodiments, while illuminating other complex notions of gender and sexuality that is constitutive of a queer Hmong American subjectivity and belonging. Furthermore, my conversations with queer

³⁷¹ See the mission of Midwest Solidarity Movement, <https://mwsmovement.com/about/>.

Hmong American youths reveal the strategies they employed to further the conversations about same-sex marriage within their families, and their perspectives on same-sex marriage within the larger mainstream lesbian and gay movements.

Hmong American organizing is all the more imperative when we examine the whiteness of Minnesotans United. In particular, the expenditures and financial disbursements reveal much about the lack of engagement with people of color in the quest for the defeat of Amendment 1 and the subsequent mission for the legalization of same-sex marriage. Furthermore, like many campaigns to defeat homophobic ballot initiatives and legalize same-sex marriage across the U.S., Minnesotans United deployed strategies of universalism at worst, and neoliberal multiculturalism at best, despite the complexly heterogeneous communities of color living in Minnesota. Minnesotans United had fundraised more \$12 million within a course of eighteen months to defeat Amendment 1. About \$8 million of the proposed budget was to be used for advertising and “Vote No” message delivery and direct voter contact and youth organizing. Furthermore, Minnesotans United had factored in only \$231,000.00 to be used for communities of color organizing.³⁷² This is all the more troubling when we consider that eighty percent of the budget was to be used for advertising and promotion, which we now know included a minimal number of people of color, if at all. Interestingly was the fact that \$218,000.00 would be used for “faith organizing.” While it was difficult to pinpoint the specifics of “faith organizing,” it is worthy to note that it was a similar amount to that of the funding efforts for *all* of communities of color organizing. While it was difficult to

³⁷² Eric Ringham and Sasha Aslanian, “Eighteen Months to History: How the Minnesota Marriage Amendment was Defeated—Money, Passion, Allies” *Minnesota Public Radio News*, November 9, 2012; Minnesota United for All Families, “Budget memo - - OutFront.”

look into the incomplete archives to understand what constituted the usage for “communities of color organizing,” Minnesotans United did hire African American, Latino, Native American, and Asian American community organizers. Of all the four community organizers, only the Latino and Asian American community organizer stayed from the beginning until the end of the election, while all the Native American and African American organizers quit several months into their position or before Election Day. Two Hmong American organizers were eventually hired to assist the Asian American community organizer, who was a Korean American adoptee, in their efforts to reach larger Asian American communities. This maneuver was necessary because the majority of Asian Americans living in the Twin Cities were Hmong Americans.

Scholars have since at least the 1960s documented the rise in large-scale non-profit organizations and their impending complicity in the proliferation of state surveillance of public discourse, leftist social movements, and radical politics. Dylan Rodriguez argues that this is further an “accelerated incorporation of progressive social change struggles into a structure of state accreditation and owning-class surveillance.”³⁷³ Thus, the rise in the non-profit industrial complex is simultaneously a gesture towards the neoliberalization of lesbian and gay social movements. The upwardly mobile version of social justice organizing within non-profit organizations is problematic because as Rickke Mananzala and Dean Spade has argued, operates within a trickle down economy of freedom where a few concentrated elite lesbian, gay, and even trans people sit at the top

³⁷³ Dylan Rodriguez, “The Political Logic of the Non-Profit Industrial Complex,” in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, eds. INCITE! Women of Color Against Violence (Cambridge: South End Press, 2007), 23.

of the social order.³⁷⁴ The most elite members of lesbian and gay organizations at the forefront of the legalization of same-sex marriage are wealthy white men and women who are detached from the material realities of poor and homeless, undocumented, queer people of color. Jane Ward's research on diversity work within queer activism and organizations reveal that even though "diversity" initiatives are actively promoted, whiteness is retained through the ways people of color are marginalized and tokenized for the consumption of white activists and employees.³⁷⁵ Whiteness pervades lesbian and gay organizing precisely because of the continued deployment of neoliberal corporate social configurations and modalities of organizing for liberation within mainstream lesbian and gay social movements.

The campaign to defeat Amendment 1 was underway in the beginning of 2012 as thousands of canvassers were sent out to partake in conversations with millions of people all across the state. Minnesotans United's official "special tactic" was talking, in a video released on their website, stating that people are sixty-seven percent more likely to support defeating Amendment 1 when they hear and have conversations with people they know. Minnesotans United circulated talking points for African American, Latino, Asian American, and Native American communities. "Differences" were made on each talking point to highlight why each community of color should oppose Amendment 1. However, the talking points were essentially identical for *all* communities of color. The only nuance

³⁷⁴ Rickke Mananzala and Dean Spade, "The Nonprofit Industrial Complex and Trans Resistance," *Sexuality Research & Social Policy* 5, no. 1 (2008), 53-71. See also Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Cambridge: South End Press, 2011).

³⁷⁵ Jane Ward, "White Normativity: The Cultural Dimensions of Whiteness in a Racially Diverse LGBT Organization," *Sociological Perspectives* 51, no. 3 (2008). For a larger analysis of neoliberalism, capitalism, and queer social movements, see Myrl Beam, "Compassion, Community, Capital, and Crisis: Neoliberalism and the Non-Profitization of Queer Social Movements," PhD diss. (University of Minnesota, 2014).

of why same-sex marriage should matter to a community of color was distinguished for Native Americans. The “talking points” for Native Americans included the following preface:

- The tradition of a “Two Spirit People” is intrinsic to the culture of many Native American bands in Minnesota. This tradition was suppressed by colonization.
- “Two Spirit” is an English term for what has existed in hundreds of tribes in North America since well before 1492—it is often used as an umbrella term for anyone who is Native American and LGBTQ.
- Many Native American tribes have recognized marriages between same-sex couples as being within their tradition and tribal sovereignty rights as independent nations for more than 1,000 years. This amendment would further represent a violation of the traditions of the Native American community and the land on which we all live that is now called Minnesota.
- This amendment puts a government limitation on Minnesotan’s individual freedom to create a family. In our country, freedom means freedom for everybody. The role of the constitution is to protect freedoms, not take them away. If same sex couples lose their freedom to marry and create a family—what’s next? Who’s next? If we don’t defeat this—what happens to our communities? What happens to our families? The government has a long history of legislating Native people’s lives and families—especially before the passage of the Indian Child Welfare Act in 1975. Before ICWA, our families were torn apart by removal, adoption and boarding schools. This amendment is another way to attempt to legislate our families.³⁷⁶

This was the only lengthy description of why same-sex marriage is relevant to a particular community of color, as there were little or no descriptions on the African American, Latino, or Asian American talking points to demonstrate direct connections of those communities to the cause of same-sex marriage. All the documents shared identical talking points beyond this description, including the lines that states “This amendment singles out a group of people and excludes them from fundamental freedoms,” “None of us would want to be told it is illegal to marry the persons we love,” and “Reflecting on our core values helps move the conversation forward.”

³⁷⁶ “Native American Talking Points.” Minnesotans United for All Families. Communications→final press releases and advisories→Official Talking Points→African-American Talking Points, Native American Talking Points, Latino Talking Points. Tretter Collection.

Furthermore, in these talking points for communities of color organizing, Minnesotans United used universalizing language to communicate why same-sex marriage is important to all communities of color. Take for example the sub-points under the headline “None of us would want to be told it is illegal to marry the persons we love,” has the following bulletin points that appears on the “talking points” for all communities of color:

- Marriage is about **love, commitment, and responsibility**.³⁷⁷ Same-sex couples want to marry for similar reasons as anyone else—to make a lifetime promise of love and commitment, as well as to protect their families.
- Our communities value family—and fairness—and defeating this amendment would preserve fairness for all families. None of us would want to be told it is illegal to marry, and create a family, with the person we love. None of us would want to be told what our family should look like.³⁷⁸

Scholars and activists have criticized the tactics of the mainstream lesbian and gay movement for universalizing the notion that legalizing same-sex marriage means equality and emancipation for *all* LGBTQ people. Scholars such as Duggan and Reddy have critiqued this incorporation of queers into the neoliberalism. Feminist and queer jurisprudence scholarship such as that of Stewart Chang, Katherine Franke, Priya Kandaswamy, and Urvashi Vaid have demonstrated the failure of the fight for the legalization of same-sex marriage to bring freedom for communities of color.³⁷⁹ Spade, in

³⁷⁷ The bolded emphasis is original.

³⁷⁸ “Native American Talking Points.”

³⁷⁹ Stewart Chang, “Gay Liberation in an Illiberal State,” *Washington International Law Journal* 24, no. 1 (2015), 1-46; Stewart Chang, “Is Gay the New Asian? Marriage Equality and the Dawn of a New Model Minority,” *Asian American Law Journal* 23, no. 5 (2016), 5-38; Katherine Franke, *Wedlocked: The Perils of Marriage Equality* (New York: New York University Press, 2015); Priya Kandaswamy, “State Austerity and the Racial Politics of Same-Sex Marriage in the U.S.” *Sexualities* 11, no. 6 (2008), 706-725; Urvashi Vaid, *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation* (New York: Anchor Books, 1995). In a non-U.S. context, Joseph Massad has argued against this universalization of homosexuality to which a universal liberation is assumed. He calls Western lesbian and gay organizations the “Gay International” which produces homosexuality itself into conditions of universal human rights. See Joseph Massad, *Desiring Arabs* (Chicago: University of Chicago Press, 2007), 170-190.

particular, has called the advocacy for the legalization of same-sex marriage as a “sentimental mythology” that does little to address transphobia.³⁸⁰

The whiteness of Minnesotans United parallels other contestations over ballot initiatives and voter referendum cases across the United States, such as that of Arizona’s Proposition 107 in 2006. Karma R. Chávez argued that while voters rejected this proposition in Arizona, it was only successful because the organization AT, which was against the proposition, utilized straight-washing and white-washing strategies that rendered immigrants as queer, and positioned LGBTQ peoples as normative. AT’s techniques distanced LGBTQ peoples from the injuries of the proposition, and instead, relied on the (would-be) injuries of white, heterosexual couples as a reason why voters should reject the proposition. In the end, Proposition 107 did not pass, however, a new ballot initiative that emerged in 2008 that once again sought to define marriage as being between one man and one woman, but did not seek to take away benefits from white heterosexual couples, easily passed.³⁸¹ The nearly thirty voter referendums that passed across the U.S. utilized homophobic and conservative rhetorics of the family. Opposite parties that combated such propositions did little to radically call into question these values, instead, countering the conservative messages with neoliberal and homonormative, anti-immigrant, and white-washing strategies, ultimately leading to its many failures. Minnesota defeated Amendment 1, but nonetheless, like the defeat of Proposition 107, relied on white and normative framings of liberation for lesbian and gay subjects.

³⁸⁰ Dean Spade, “Under the Cover of Gay Rights,” *New York University Review of Law & Social Change* 37, no. 1 (2013), 81.

³⁸¹ Karma R. Chávez, “Exploring the Defeat of Arizona’s Marriage Amendment and the Specter of the Immigrant as Queer,” *Southern Communication Journal* 74, no. 3 (2009), 320-324.

Photos of Queerness, Hmong American-ness, and Refugeeism

Members of MWSM conceived, photographed, edited, and released four photos during the summer of 2012 to speak against Amendment 1. A total of six different individuals appear in the four photos. My readings of these photos do not suggest that they are merely coloring in elements of Hmong Americanness to the anti-Minnesota Amendment 1. Instead, I foreground how the photos and the larger activism of MWSM speaks against and about Hmong American political subjectivities in both mainstream and vernacular Hmong American communities. MWSM's activities are in line with Muñoz's notion of disidentification in that MWSM simultaneously participates in the mainstream same-sex marriage movement while changing the message from within. MWSM uses a unique Hmong American vernacular approach to ensure that same-sex marriage is legalized while not fully representing the same rhetoric of inclusion or sameness as Minnesotans United. My further contention is that it "queers" even same-sex marriage itself by taking into account the myriad forms of elements that are both contained within same-sex marriage and "Hmong culture." Moreover, by aligning itself with the legal and political language and atmosphere of the Amendment 1 battles, MWSM offers us visions to critique and resist the limited and violent forms of monogamous conjugality, while simultaneously embracing and taking up the American democratic arena as a site of activism and belonging. MWSM released a photo campaign that was posted and distributed on social media, including Facebook, Tumblr, and Twitter. According to Linda Her, a founder of MWSM, the audience for the photographs is Hmong Americans themselves, so that they can be informed about the stakes at hand

within the marriage amendment battle. Since the Minnesotans United barely spoke to queers of color or even immigrant and refugee communities, MWSM sought to directly engage their own communities about this pressing issue.

MWSM's bold and strategic use of photography is especially illuminating. It will become clear in the upcoming sections of this chapter MWSM's decision to use representation photographs instead of abstracted figurations. The images becomes all the more powerful when we consider that there are little visual archives which to draw about Hmong American queerness. The photographs invite viewers to immediately acknowledge both Hmong Americanness and queerness simultaneously even before a viewer dives into the text. According to John Berger, we see the images of a photograph, or of scene, before we can vocalize its aesthetics. Berger continues to use sight as the primary notification to our surrounding world as he states that, "It is seeing that establishes our place in the surrounding world; we explain that world with words, but words can never undo the fact that we are surrounded by it."³⁸² Images here then becomes what Berger calls the "language of images." Berger asks the very relevant question of "who uses that language for what purpose."³⁸³ MWSM's embodiment of two different localities and political messages directs the viewer to a queer reading of Hmong American culture and activism through the visual images.

Since MWSM is an activist collective that often is literally on the moves and on the ground within social movements, it was innovative of them to create a photo campaign to complement their activist activities that would permanently capture the moment in time. Berger's theory of image becomes crucial because it begs the viewer to

³⁸² Berger, John, *Ways of Seeing* (London: Penguin Books, 1972), 7.

³⁸³ *Ibid*, 33.

read the images without necessarily knowing the backdrop of MWSM's activist activities, establishing a double movement that accomplishes intersecting goals and outreach. In this case, MWSM's photographs further complicates the notion that there is no existence of queer Hmong American, forcing the viewer to contemplate whether it is simply an LGBTQ message, or a queerer message that exists between the lines. This visual representation that prompts the viewer to analyze it speaks to what Berger states, "the knowledge, the explanation, never quite fits the sight."³⁸⁴

³⁸⁴ Ibid., 7.



Figure 1

"We, MidWest Solidarity Movement, believe that marriage should be open to any consenting adults regardless of their sex, sexuality, and gender. We are calling on our family, friends, and community to stand up and "VOTE NO" with us on the Marriage Amendment that will be on the election ballot this year on November 6, 2012. If you vote YES on the Marriage Amendment, that is a vote against our well-being as your family member, friend, and as part of your community." MidWest Solidarity Movement, Hmong American Americans Vote NO on Marriage Amendment Campaign, August 13, 2012.

The photos depicted queer Hmong American Americans dressed in Hmong American traditional clothing, with either single or coupled peoples with the caption, “Hmong American LGBTQIA: Vote ‘NO’ on Marriage Amendment 11.06.12” as the header for all the photos. The contrasting elements of Southeast Asian traditional clothing with backdrops of “modern” social landscapes gives viewers the opportunity to imagine two concurrent locations. A particular photo that is pertinent to this simultaneity of place portrays two Hmong American men sitting in front of a river, with a city skyline behind them. The city behind them is clearly connoted as America. They are tightly pressed against one another while holding hands. A sort of serenity washes over the photo with the heavy sunlight drenching their faces. Dressed in Hmong American traditional clothing, the caption below them reads, “From the mountains of Southeast Asia to the cities of America, Don’t persecute our love.” The photograph also evokes this sense of migratory travel to two geographical time zones, namely “from” Southeast Asia “to” America. In previous chapters, I argued that “Hmong American” have always been linked closely and racialized through the figure of the “refugee.” The refugee figure has demarcated Hmong American subjectivities within the parameters of only first generation recently arrived refugees. Second-generation children of refugees are perpetually rendered invisible. Hmong American refugees have been displaced through the Secret War in Laos, and consequently, by the Pathet Lao. The communist Lao government began persecuting the Hmong for their involvement in the war as American allies after the end of the Secret War.

The Congress of World Hmong American People (CWHP) has been among one of the organizations at the forefront of this struggle of Hmong persecution in Southeast Asia. Their mission recognizes that “violence and human rights violations continue to be the roots cause of the Hmong political unbalance, gender inequality, poverty, illegal political suppressions and oppressions in Laos and other part of the countries.”³⁸⁵ The CWHP and the Unrepresented Nations and Peoples Organization (UNPO) released a resolution that “*Declare* that the human rights violation in [Laos] continue to be of great concern to this date and *condemn* the Lao Government for using starvation tactics and rural development programme to hide the human rights violations committed by the military in the region.”³⁸⁶ In this vein, MWSM’s photo imagines the temporal elements of the refugee travel, and its ultimate fate of resettlement aligned with the persecution of the Hmong in the aftermath of the Secret War. Yet, by thinking of the refugee not as a resettled subject in the aftermath of the Secret War, the photo links us back to the ongoing issues that face Hmong refugees in the U.S. and Southeast Asia. We do not immediately read the photographs within the violence of “persecution.” However, by relating refugee migratory travel with that of persecuting refugees and persecuting queers, MWSM creates the condition of Hmong American Americans as both refugees and as queer. Furthermore, to align same-sex marriage struggles with that of the Hmong in other parts of the world, MWSM articulates a coalitional politics that engages

³⁸⁵ Congress of World Hmong People, “Organization and Mission,” accessed September 24, 2015, <http://www.cwhp.net/mission.html>.

³⁸⁶ Unrepresented Nations and Peoples Organization, “UNPO XII’s General Assembly Adopts Resolution on Hmong American,” July 23, 2015, accessed September 24, 2015, <http://www.unpo.org/article/18406>.

refugeehood with sexuality, rather than divorcing it.³⁸⁷ That is, the lingering questions around Hmong American religious and cultural freedom, and the subsequent failure at the promise of belonging within the national body politic is inserted with a picture not of refugees suffering like that of intelligible photographs of refugees, but of two men embracing each other.

Another photograph shows Linda Her, a founder of MWSM and a queer lesbian spoken word artist, in the traditional bamboo qeej instrument—traditionally reserved for Hmong American men—with the Cathedral of Saint Paul behind her. My reading here suggests that Her is not only subverting gender by wearing traditional Hmong men’s clothing and holding the qeej. She disidentifies with the (hyper)heteronormativity of Hmong American gender sexuality by first radically blurring the lines between male and female. It would only make sense to dive deeper into the meaning of the qeej in order to understand the queer disidentificatory practice that Her engages. The qeej is historically played during funerals in order to guide the soul of the deceased back to their ancestors, or place of birth. The qeej has also been played in happier or secular times, such as during New Year celebrations.³⁸⁸ Many legends and stories about the origin of the qeej have been documented, most notably assembled together by Yer J. Thao and Catherine Falk.³⁸⁹ However, an interesting story is told by Gayle Morrison, which was told to her by a master qeej player named Nhia Dang Kue from Stockton, California. In the legend, a

³⁸⁷ For coalitional politics, see Karma R. Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (Urbana: University of Illinois Press, 2013).

³⁸⁸ See Catherine Falk, “The Private and Public Lives of the Hmong Qeej or Miao Lusheng,” in *The Hmong of Australia: Culture and Diaspora*, eds. Nicholas Tapp and Gary Yia Lee (Canberra: Australian National University Press, 2011), 123-152.

³⁸⁹ Thao, Yer J, “Culture and Knowledge of the Sacred Instrument Qeej in the Mong-American Community,” *Asian Folklore Studies* 65:2 (2006), 262; Catherine Falk, “The Dragon Taught Us: Hmong Stories About the Origin of the Freed Reed Pipes Qeej,” *Asian Music* 35:1 (2003): 17-56.

great and powerful warrior by the name of Sinsay (Xeem Xais) conquered seven kingdoms, of which his prize was to marry a beautiful woman from each the conquered kingdoms. At a festival at the time of his seventh conquer, all the wives and Sinsay were present, although none of the wives knew that Sinsay would have other wives beside herself. When the wives discovered that they were not the only wife, they were all outraged. The God-King appeared and resolved this quandary by issuing a challenge: only if all the wives were to put together an instrument with seven parts with which words can flow, then they all will be proclaimed as Sinsay's wives. When the wives went off on their own, they came back with individual parts, which when mended together, perfectly fashioned the qeej. The God-King ultimately declared all of the women to be Sinsay's wives.³⁹⁰

In an anthropological study of the Miao of China, Louisa Schein writes that the bamboo reed instrument called the lusheng, another form of the qeej among the (Hmong) Miao of China, was characterized as the symbol of their people. This symbolism not only visually dictates the viewer to Hmong Americans as the owners of the qeej, but links the visual to the imaginative in which Hmong Americans as a polity are rendered intelligible to those who encounters the qeej instrument. The qeej not only symbolized Hmong Americans as a polity, but also has historically been a patriarchal/patriotic emblem of Hmong masculinity and mightiness. This physical-sexual potency offers itself as the instrument that Her can creatively deploy for a queer purpose. Women were allowed to

³⁹⁰ Gayle Morrison, "The Hmong American Qeej: Speaking to the Spirit World," *Hmong Studies Journal* 2, no. 2 (1998), 3-5.

play the instrument in some locations, although traditionally only men played the qeej.³⁹¹ In the breaking of this historical tradition of heteropatriarchy-patriotism, Her inverts Hmong American common sense epistemologies of the gendered configurations of symbolism about Hmong Americans as a collective polity.

While not many Hmong American or Miao stories or legends have undergone scrutiny in academic and cultural studies scholarship, I aim to contest the heteronormative and masculine origins of the qeej itself. The story of Sinsay showcases that the women vied to be the wife of the unbeatable warrior. In some instances, polygamy can also be normative in the sense that it is perhaps commonplace or acceptable to have multiple wives back in China or Southeast Asia. Yet, interestingly, the story also names the women as the creator of the qeej. To that end, Her symbolizes this feminist viewpoint of creation that often belies the masculinist image of the qeej. Her also flips the legend of the qeej on its head by highlighting women's contributions to the formation of the beauty that is Hmong American music and instrument. Yet, another reading could be that Her herself is Sinsay. If the photograph is read this way, she would be the conquerer of the kingdoms, who would eventually marry seven wives. Thus, the reading of Her's photograph becomes that which a woman marries seven other women, subverting the hyperheterosexualist image of Sinsay's sexual and gendered conquerhood towards a feminist, non-monogamous, and queer formation. Marriage here would radically be reformed not only by utilizing legend, myth, and folktale as political tools within contemporary Hmong American democratic processes, but would subsume Hmong American marriage origins, tales, and rituals into queerness, ultimately liberating

³⁹¹ Louisa Schein, *Minority Rules: The Miao and the Feminine in China's Cultural Politics* (Durham: Duke University Press, 2000), 60.

and expanding the very notion and stories that Hmong American people tell around gender, sexuality, and marriage.

The images on the bottom are more difficult to read. A third photograph depicts a man and a woman both dressed in Hmong American male clothing standing together, with a caption “Standing Together for Equality and the Human Right to Love/Marriage.” I read this photograph as a photograph of friendship where the two individuals are not intimately embracing each other, rather are standing next to each other. The individuals could be friends, brothers, lovers, bisexual, queer, trans, or straight, leaving the viewer to interpret the ambiguity. Since I know the individual in the photograph, I know that one of the individuals is a woman wearing male clothing, although, if one does not know who the persons are, it may be ambiguous as to the sex or gender of the individuals. The caption again is intriguing when we consider the notion of “human rights.” Thus, we might be tempted to read this photograph and caption as an extension of Enlightenment notions of emancipation and freedom operating in the form of legal liberalism. Furthermore, one may read this photograph and caption as universalizing the travails of queer folks and certainly relegating Hmong American queers into this universalism. A reader may also deduce the usage of “human rights” to that of the LGBTQ establishment Human Rights Campaign which seeks to rectify inequality by way of better LGBTQ representation and visibility through legal inclusion.³⁹² By doing so, the reader may render this photographic campaign as yet another instantiation of which Hmong American queers as seeking Western juridical emancipation through legal advocacy and the reification of the law and U.S. nation-state.

³⁹² See Julie Mertus, “The Rejection of Human Rights Framing: The Case of LGBT Advocacy in the U.S.,” *Human Rights Quarterly* 29, no. 4 (2007), 1036-1064.

Scholars have critiqued this framework of “human rights” as an insufficient framework to use in discussing oppression and freedom. What MWSM strives to do is not to reify the nation and Western law in “standing up” for human rights. Rather, when we consider that the whole of MWSM’s campaign is a challenge and critique of heteronormativity and the absence of intersectionality within white mainstream lesbian and gay rights activism, and that their campaign is unapologetically Hmong American American, we can situate that the notion of “human rights” as not of the human rights campaign, but of human rights abuse of non-white subjects. As in line with the previous reading of the photograph above, MWSM seeks to render intelligible a politics that engages same-sex marriage with that of Hmong Americans. Despite framing same-sex marriage in relation to Hmong American political subjectivity vis-à-vis human rights, MWSM achieves a double maneuver to not only subject human rights into critical inquiry about whether it can be useful both for refugeehood and sexuality, but also that it is an essential notion of Hmong American American politics to always be reminded of Hmong American Americans political space within the U.S. and their continued persecution abroad.

The fourth photograph shows two Hmong American American women holding hands as they walk away towards the Saint Paul state capitol. The two persons are all dressed in Hmong American traditional women’s clothing. The caption “Turn Your Back on Hate, Walk Towards Love” is written below the photograph. Again, I want to consider a possible rendering of this photograph that may serve to legitimate a state-based version of freedom. Taking cues from Wendy Brown, we may see the photograph as a plea to the state in redressing a “wounded” identity. That is, identities such as race, gender, or

sexuality has historically been excluded from state-based protections. By appealing to the state to compensate for this historical injury, pain, or suffering then only renders the state as the powerful guarantor of rights rather than questioning the flawed power within the state itself. Furthermore, we shore identities in opposition to the state.³⁹³ Framing freedom in this sense means that identity is perpetually situated within structures of domination that produces that injury in the first place. In this reading, the framing of the subjects at the Minnesota state capitol represents a legal citizenship that is made to be sought out. Evoking the cities and the Minnesota state capitol allows the queer Hmong American subject to claim some sort of Americanness that was previously denied to Hmong American and queer subjects. The positioning of the women's bodies facing the state capitol is further evidence that a literal "turning towards" the state is inevitable. To be a citizen then means to constantly seek out redress from this structure of domination that must deliver a form of suffering and denial of "rights" in order to be legible within the state. For Brown, this formulation is especially a troubling fact for feminism because it creates the paradox that denounces patriarchy and gendered subjugation of culture, while reifying another violence in the form of the state.

However, if we read the photograph and caption in what I have described as a Hmong American politics, we might see it differently. It is true that Hmong American have historically sought legitimation within state functions. As stateless peoples, the Hmong have had a precarious relationship with the Southeast Asian and Western states throughout the 19th and 20th centuries. A queer reading of the state and Hmong Americans does not suggest that the photographs are advocating for a politics of injury

³⁹³ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 54-57.

within state-based protections, but it certainly also does not foreclose that possibility. Rather, it contextualizes for us Hmong American historical participation within U.S. systems to make legible both Hmong Americanness and Americanness for its audiences. That is, to make certain that Hmong American can maintain their political sovereignty, it is crucial that they maneuver a strategy to outsmart the state while asserting their political aspirations.³⁹⁴ Within queer studies, the word “queer” has been associated with various meanings, many linking it to an oppositional definition in relation with normativity. However, if we consider that Hmong Americans as stateless has always engaged in the



Figure 2

Minnesotans United for all Families campaign photograph for the Minnesota Amendment 1. 2012.

state differently from those of state-situated polities, we can “queer” this reading not by denouncing Hmong American queers as accepting the state as a guarantor of rights. Rather, queering Hmong American queer activism here means to examine the relationality and strategy by which refugees and queers can simultaneously participate in democracy and self-making.

³⁹⁴ For a sustained reading of Hmong American political participation with states from the mid-nineteenth century to mid-twentieth century, see Mai Na M. Lee, *Dreams of the Hmong American Kingdom: The Quest for Legitimation in French Indochina, 1850-1960* (Madison: University of Wisconsin Press, 2015).

The photographs are also affective. All four photographs contain the word “love.” Philosophers have theorized love for centuries. Some critics have also criticized love as inherently patriarchal and heteronormative. However, queer theorists such as Teresa de Lauretis and Eve Kosofsky Sedgwick, and Lauren Berlant (whom I believe is the most productive in examining love), have reclaimed love as a political concept. Love is that thing which makes us long for new possibilities in the midst of imperfection. Berlant writes, “love is one of the few situations where we desire to have patience for what isn’t working, and affective binding that allows us to iron things out, or to be elastic, or to try a new incoherence. This is the main upside of making love a properly political concept, it seems to me. A form of affective solidarity that admits the irrationality of the principled attachment.”³⁹⁵ Drawing from Michael Hardt, Berlant sees argues that loosening the parameters of love would allow for a reimagining of what a livable world would mean for those whose lives are never guaranteed. MWSM’s conceptualization of love, as a *political concept*, means a journeying into a domain where the recognition of one’s desire to thrive in precarious life conditions notwithstanding the multitude of violences. Love as politics means that social relations must be based on what is never guaranteed. It is a laborious process to carve out radical visions within the discomforts of always having to do better. MWSM’s visions of love in the photographs situate this political concept in four different social relations, all that which directs our attention to its messiness and multiplicity: singular, male and female coupled, friendships and/or ambiguous unions.

³⁹⁵ Lauren Berlant, “A Properly Political Concept of Love: Three Approaches in Ten Pages,” *Cultural Anthropology* 26, no. 4 (2011), 685-686. For another analysis of love in the same-sex marriage debate, see Renata Grossi, “The Meaning of Love in the Debate for Legal Recognition of Same-sex Marriage in Australia,” *International Journal of Law in Context* 8, no. 4 (2012), 487-505.

For MWSM, love is relational, political, transformational, and it is not always white, heterosexual, or coupled.

I have offered four very different readings of MWSM's photo campaign that complexly situates Hmong American queer political activism at the intersection of mainstream lesbian and gay movements and Hmong American and refugee politics. We see the drastic difference by juxtaposing this photograph campaign with that of Minnesotans United. Minnesotans United's photo is a brightly orange colored sign with the text "VOTE NO: DON'T LIMIT THE FREEDOM TO MARRY" written on it. Moreover, this text "Vote No" was also transferred onto other material such as stickers, buttons, and t-shirts that were distributed all over the state. It is direct and to the point of instructing a voter to vote "No" on Amendment 1. As I drove around town, bumper stickers on cars immediately gave away the political position of the driver. It seems to me that such a sign would not be readily available for Hmong American or non-literate audiences to consume. I showed my parents and grandparents the pictures and they were confused as to what the poster represented, although granted I actually did not show them MWSM's photos. Furthermore, the message may not resonate or create a pause for Hmong American audiences simply because there are no representational figures within the poster. I however did show MWSM's photo campaign to friends, who immediately said they were very "cute." One colleague commented that she does not care about marriage at all, but the "cuteness" of MWSM's photographs makes her want to just go and get married. Indeed, these photographs play a different function in persuading the voter to consider the political message, while appealing to an affective mode of viewing that works to appeal to the humanity and personality of the individuals in the photos.

By articulating how queer Hmong American youths illuminate not just a critique of mainstream white lesbian and gay activism, but also a sustained engagement with their own communities shows that such a queer Hmong American studies/politics is not impossible. On August 5, 2012, I phonebanked for Minnesotans United at their Saint Paul office to sway voters to vote against the marriage and the voter ID amendments. Pao had organized Hmong American voter phonebanks every Sunday to talk only to Hmong American individuals, as he states, “Basically on Sunday, we would have all Hmong American people run it. And we would have Hmong American people call Hmong American people all day.”³⁹⁶ Before we started phonebanking, Pao introduced us to the phonebank script. After going through the script and some first time phonebankers were able to ask clarifying questions, we went right into phonebanking. I am an experienced phonebanker and was excited to start. I called about 40 people in the three hours that I was there, some of them spoke English, while many were non-English speakers who also either supported Amendment 1, or did not know anything about it at all. The points on Minnesotans United’s script include using language of individual liberty, freedom to choose a partner, notions of free love, and invoking ideas around discrimination based on sexual orientation. Some of the people I talked to even knew someone who was LGBTQ, sometimes a direct relative. This made it easier to connect to them when appealing to LGBTQ’s humanity and right to love because of the personal connection. While not all the people I talked to changed their mind, they understood that individual freedom and free choice love was important. Overall, it was easy to engage in conversation with the

³⁹⁶ Pao, personal interview with author, January 10, 2017.

available language and frameworks that invoked liberal freedom inherent within the mainstream LGBTQ movement for English speakers.

The talking points that were given to us by Minnesotans United did not resonate with many Hmong American individuals, however. In one conversation, I started talking about lesbians and gays and how they should be able to marry one another. Right then and there, the Hmong American elderly woman immediately was confused as to why the notion of two people of the same sex marrying each other can even happen at all. I invoked the notion of individual choice to marry whom one chooses, and she understood that. However, she was unable to capture how it is that lesbian and gay people *can* marry or even exist in the first place. In her imagination, marriage between lesbian and gay couples did not register within the framework of individual liberty when they have not reached the register that such peoples exist at all. Moreover, invoking the language of discrimination did not have the affective and moral appeal when I talked about the individual as enacting discrimination by withholding from lesbian and gay couples the right to marry. It is not even sufficient to universalize “discrimination” as something as aberrant as if such an invocation would resonate with everyone when they themselves have not experienced discrimination for being lesbian or gay. It is hard to empathize with lesbian and gay couples when they are removed from the everyday experience of Hmong American individuals. Even Hmong American individuals in my everyday life do not know any LGBTQ people, except for my progressive friends and relatives whom the only person they know who is queer is me. Rather, it is more useful when we invoke the injury onto Hmong Americans themselves.

My next phone call needed a new strategy. What if I not mention lesbians and gays at all? What effect would that have? I pondered on the ways that the marriage amendment limited marriage not just for queer folks, but for a host of other peoples. The amendment would strictly define marriage as between one man and one woman, thus leaving no room for polygamy or underage marriage. The delineation of such a narrow amendment would not only exclude queer monogamous marriage, but also Hmong American heterosexual polygamy and certainly “underage” marriages, and certainly queer non-monogamous marriages. Appealing to how this amendment would cause a Hmong American injury would be my best maneuver. Amendment 1 is yet another instantiation of white bourgeois supremacy that sought to curb and define the limitations of normative citizenship. Furthermore, constitutionally defining the terms of marriage allows for the state to criminalize those outside of that formation while culturally and politically assimilating polities such as immigrants and LGBTQ people into a national body politic and culture. The state’s intrusion into Hmong American marriage practices and forced assimilation is something that would resonate with Hmong American people in opposing Amendment 1.

My next phone call was again to an elder Hmong American American woman. “Nyob zoo. Kuv lub npe hu ua Koob Pheej os. Kuv hu noog koj hais tias koj puas tau hnov txog lawv txoj cai uas hais txog kev sib yuav? Tsis tau los? Tsis ua li cas [Hi, my name is Kong Pheng and I am calling to see if you know about the marriage amendment? Oh no? I see].” With that I continued to inform her how the state wanted to define marriage within the constitution to be strictly between one man and one woman. I mentioned that the amendment would hurt Hmong American people because it means

Hmong American people cannot marriage at ages under 16 nor marry multiple partners. It could criminalize and lead to social stigma for those who are in polygamous relationships within Hmong American society. She knew many Hmong American individuals who are in loving polygamous relationships and did not want to infringe on that. Ultimately, she said she would vote against the marriage amendment because she did not want the government or white people to infringe upon Hmong American Americans' traditional marriage practices. At this point, I was certain that she was not aware that this amendment was a "gay issue." Certainly, it is not, and I did not want to turn into such. I was certain she did not know any LGBTQ people and was not aware that this amendment grew out of the backlash against same-sex marriage. She was not aware that there were previous amendments in other states such as North Carolina, Florida, or neighboring Wisconsin. By not mentioning lesbian and gay marriages, I was able to present the marriage amendment as a tool used by the state to control non-monogamous marriages that are relevant to Hmong American Americans. Cathy Cohen has driven this point when she argues for the expansion of "queer" as not solely a homosexual/heterosexual binary, but that which includes other non-(hetero)normative intimate relations.³⁹⁷ After this phonebank, I phonebanked again on October 23, 2012 for the 2012 re-election of Barack Obama at their Saint Paul headquarters, where we simultaneously talked to voters about the marriage amendment and voter ID laws that were put on the Minnesota ballot. I continued this strategy, and much to my amazement, Hmong American were receptive to voting against the marriage amendment. To be sure, there were some Hmong American who knew there was something about the marriage amendment that was about LGBTQ

³⁹⁷ Cohen, "Punks, Bulldaggers, and Welfare Queens."

people. Some supported the marriage amendment precisely because they opposed LGBTQ, while some opposed the marriage amendment because they support LGBTQ people. Hmong American Americans' political consciousness around the sex wars and cultural debates are certainly not limited. My argument here is that to re-frame the conversation in yet another angle gives us the flexibility to think about state controlling apparatuses that affect not just queer people, but other groups as well. Working with Hmong American activists in MWSM to phonebank and educate Hmong Americans meant that we needed alternative strategies, *in addition* to mainstream vocabularies of liberal freedom, individual choice, and discrimination, in order to defeat the marriage amendment.

MWSM members and I were once again at the state capitol when Minnesota finally legalized same-sex marriage in 2013. To my surprise, members from the Hmong American Alliance Church, a Hmong American-run Christian church, were also present to protest the legalization of same-sex marriage. An elderly Hmong American man was holding a bright pink sign with stick figures of a man and a woman on there, while chanting this phrase over and over, “Mej cov mi tub mi nyuas sawv dlaws yuav moog dlaab teb” [All of you will go to hell]. I avoided this man while moving along the thousand of supporters in and at the capitol. A few of us Hmong American queers stumbled outside where we met more Hmong American Alliance Church members holding the pink signs. A woman in particular moved closer to my group of five, and asked, “Nej yog cov uas nyiam cov neeg nkes, los nej yog cov uas tsis nyiam lawv” [Are you all people who like gays, or people who do not like gays]? I affirmatively proclaimed, “Peb cog cov uas nyiam gay vim peb gay [We are the people who like gays,

because we are gay]!” She asked us whether we are comfortable with changing “Hmong culture.” I confirmed that we were. She had a long conversation with Pao, the Hmong American field worker who worked with Minnesotans United, which she asked, “Yog hais tias poj niam yuav poj niam, es leej twg yuav los ua tus coj hauv tsev neeg? Koj puas kam cia poj niam los ua tus coj? [If a woman married another woman, who will become the leader of the household? Are you willing to let the woman become the leader of the household?] Pao’s insistence that women can indeed “lead” households puzzled her. I interjected with the argument that we are willing to change “Hmong culture” so that women and LGBTQ people can be accepted into Hmong American society.

These instances of elder Hmong Americans rallying against the legalization of same-sex marriage saw moments where “culture” was usurped for various interpretations within religio-cultural-legal contexts. Whereas translation of *dlaab teb* does not directly translate to the Christian theological definition of “Hell,” sexuality also does not denote a individualistic attribute that which is articulated with mainstream lesbian and gay social movements. Hmong Americans here have reconstructed notions of “Hmong culture” that remixes gender, sexuality, and in this case, religion, to articulate a politics of anti-same-sex marriage and anti-homosexuality within the context of the Hmong American Alliance Church. In our conversation with the protestor, Pao’s insistence that there is no such thing as a household “leader” puzzled her, but nonetheless forced her to rethink her position of anti-same-sex marriage. I reinforced further my insistence that “Hmong culture” is and will always be changing, pointing to how the *church* and *christianity* itself is a form of change within Hmong American communities in French colonial and post-migration periods of Hmong history. The battle of legalizing same-sex marriage means Hmong

Americans are able to engage one another in their interpretations of “Hmong culture.” I contend that the interaction was worthwhile to show how “culture” is not a finite paradigm for thinking about gender and sexuality within any population of ethnic and racial group. Immediately after our conversation, she abandoned her pink sign and headed home.

The Aftermath of Same-Sex Marriage

Many scholars have argued against same-sex marriage. As the politics of Minnesotans United has shown, the move towards a neoliberal culture of queerness aligns with David Eng’s articulation of “queer liberalism.” That is, the increasing ties between the state, the market, and queerness, which itself creates more “capitalist exploitation, racial domination, and gender subordination in a domestic as well as global context.”³⁹⁸ As I have detailed earlier in this chapter, the universalistic language of love and freedom utilized by Minnesotans United made visible the detachment of mainstream lesbian and gay social movements from the material and lived experiences of queer people and communities of color. In the context of Hmong Americans, it is worthwhile to reflect that such homonormativity comes only after the failure to “recognize” Hmong American traditional marriages, albeit such polygamous and “underage marriages” exist largely as imaginative, rather than empirical. In my interviews with queer Hmong American youths, I have found that not all of them have found liberation in the aftermath of the legalization of same-sex marriage. Furthermore, they revealed to me the limits of

³⁹⁸ David L. Eng, *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy* (Durham: Duke University Press, 2010), 29.

legalizing same-sex marriage as a means of changing social perspectives among Hmong Americans. This was something that was important to queer Hmong American youths. Because Hmong American youth subjectivities and livelihoods is dependent and intimately connected to, rather than independent and detached from, their ethnic communities, the elision of same-sex marriage law and the purported change that is promised within state-based freedoms fall short in its deliverance of liberation.

Queer Hmong American youths have written about marriage, asking provocative questions that situate “Hmong culture” in their ruminations about family and kinship. In MWSM’s Raising UP Narratives project, Em Thao, a 26-year old lesbian residing in California writes, “How do you perform a [traditional Hmong American wedding] ceremony with two women or two men? Who’s going to be the one to pay [the dowry]? What about children? We all know that Hmong American parents are not very open-minded when it comes to adoption, how will they treat their grandchildren? What will these children learn from their community? I am getting to that stage and I am afraid that I don’t know any of these answers.”³⁹⁹ I asked queer Hmong American youths whether the legalization of same-sex marriage in the U.S. will lead to Hmong Americans accepting LGBTQ peoples in both minor and major scales of change. Phong, a thirty-year old non-cisgender straight male, did not believe the legalization of same-sex marriage would “change” Hmong Americans in any profound way, “I don’t think so. I don’t think anyone who is not exposed to non-heterosexual couples, they’re gonna be like, it’s just a white thing. Miskas ua rau Miskas xwb [White people marrying white people]. That’s

³⁹⁹ Em Thao, “Raising UP Emily’s What’s After Acceptance Narrative,” *Midwest Solidarity Movement Blog*, April 24, 2014, accessed September 8, 2016, <https://mwsmovement.com/2014/04/24/raising-up-emilys-whats-after-acceptance-narrative/>.

what I think, I could be wrong.”⁴⁰⁰ For Phong, same-sex marriage is seen as a “white” concept within the eyes of the majority of Hmong Americans, whereas heterosexual conjugality is still the norm for Hmong American social and reproductive life. In this sense, “marriage” is not legible as legal, let alone possible, because Hmong Americans, while seen as living within the U.S., still render themselves as detached from “mainstream” (i.e. white) communities in respect to marriage. This detachment from sexual cultural politics means Hmong Americans must first encounter non-heterosexual couples in order to read them as legible subjects of couplehood before marriage can be seen as a legible concept for queer peoples.

Since Hmong Americans utilize both traditional and legal systems of marriage for recognition as legible subjects and couples, sometimes one more than the other, the legalization of one system may not necessarily produce freedom for the subject. Whereas law has normalizing powers, spiritual acceptance is also a normalizing force that renders belonging for queer Hmong American youths. Tou Bee shared with me the distinction of Hmong American traditional marriages and legal marriage, “A Mis Kas [American] wedding is not the official way to do it either. So [Hmong American elders] could not give a shit about the legality of it. But if it was a Hmong wedding where two queers marry, it would be an issue for them, because it’s kind of like real for them.”⁴⁰¹ In this way, rendering traditional marriages as queer would be a change to a legitimate system of conjugality, whereas the legal marriage, does not represent a change relevant to Hmong American social life. Tou Bee’s claim mirrors Phong’s claim that systematic change does not rely on the legalization of same-sex marriage, but rather, a more holistic

⁴⁰⁰ Phong, personal interview with author, December 27, 2016.

⁴⁰¹ Tou Bee, personal interview with author, December 5, 2016.

approach to Hmong American perspectives about marriage and queer sexuality.

Altogether, Em, Phong, and Tou Bee have attempted to carve out a vision to reconcile the irreconcilable.

In my conversations, queer Hmong American youths often refer back to how they would marry or married a partner of the same-sex using Hmong American traditional systems of marriage. Some instances also demonstrate how legal marriage may not have had an effect on queer Hmong Americans' decisions to marry, as Leng, a twenty year-old transman stated to me, "I feel like even if it's legalized or not legalized, I would've gotten married regardless. Because I don't know, I'm not really huge with politics and stuff, I just don't really care about it. But now that it's legalized, I guess it makes it okay to get married."⁴⁰² What Leng has referred to is how Hmong Americans already have such systems in place to circumvent legal marriage. The indifference to legal marriage seems much an afterthought (read: after-effect) of Hmong American traditional marriages. Since marriages were not contingent on the legal for many Hmong Americans, queer Hmong American youths have first sought this avenue of marriage long before the legalization of same-sex marriage in Minnesota. My conversation with Phong again reveals that he attempted a traditional marriage five years before the initiative of Amendment 1 and before the legalization of same-sex marriage in Minnesota. He heard rumors from his wife's family that they would not condone a queer relationship, but also received mixed messages that they are willing to perform the marriage under certain circumstances. Phong states, "They weren't okay with it, but then, I was hearing messages from my wife's tus coj noj coj ua [clan leader], he would confront us, saying we're terrible people

⁴⁰² Leng, personal interview with author, December 7, 2016.

because we're in a relationship together, but then he would say things like, just bring the money, you know, bring the money." In this instance, "just bring the money" meant that if Phong was able to provide a dowry for his wife, the clan leader would be willing to go ahead and grant the marriage and wedding ceremony, although he disapproved of the relationship as queer. So while Phong's earlier statements revealed his opinion that some Hmong Americans believe same-sex marriage to be a "white" element, his experience with clan members reveal that such a thing is not entirely divorced from "Hmong culture."

Although legalizing same-sex marriage will undoubtedly provide legal sanctions for same-sex couples, such an end in and of itself may not suffice in the promise of liberation or transformative social change. Queer Hmong American youths do not necessarily see that the legalization of same-sex marriage will profoundly change the cultural politics or attitudes towards sexuality within Hmong American communities. This is something that is important to them in our conversations. Moua Kong, a twenty-eight year-old gay Hmong American man, states, "I don't believe in what marriage really is, because it aligns with the hetero community, in what they believe and what they see, so you know, what they see is that you know, homosexuals can commit to each other, then I think they will be more accepting of it. But that doesn't really answer the question of, are they really truly accepting of it, of homosexuality." Pushing Moua Kong to speak further on this claim, however, uncovers that he believes "Hmong culture" can accommodate same-sex marriages beyond the legal, which would otherwise, produce a different set of alterities for imagining belonging beyond mainstream legalization of same-sex marriage. "I think it's complicated, but when your family is accepting of it,

obviously I'm not gonna do a Hmong wedding if my family is not accepting of it. But I mean, if I were to do a Hmong wedding myself, and my parents were accepting of it, I think they would accommodate to it no matter what. And I think it's great that we have the same-sex marriage passed out, because it opens their eyes, it opens their eyes that we live in this life." Consciously aware that the law *may* provide opportunities for Hmong American communities to "see" homosexuality, Hmong Americans can perhaps then turn towards crafting their own versions of marriage that reflects, but does not constitute, legal marriage and forms of belonging.

On August 15, 2012, MWSM posted on their blog a picture of six Southeast Asian Americans holding a "Vote No" sign at the Minnesotans United office with the caption, "Woah! This is probably the most Southeast Asian Americans (and Asian Americans) that Minnesotans United for All Families have seen so far organizing against the Marriage Amendment. Our nights include creative phone-calls and door-knocks to talk to persuadable voters who are conflicted by the Marriage Amendment issue. I'm so proud of all these emerging leaders and activists in the Southeast Asian American community!"⁴⁰³ Why this is significant is what Foucault has argued about the operations of power, whereby groups have usurped state-biopolitical power, not to exist within its regulatory or repressive regimes, but within and through these regimes to create other formations of production. In this vein, power operates at the most micro degree of the social. Power then does not rest solely in the form of the state or the law. Rather, power comes from below in the form of changing relations and mobilities, often produced

⁴⁰³ "Southeast Asian Americans Organizing Against the Marriage Amendment," *Midwest Solidarity Movement Blog*, August 15, 2012, accessed July 23, 2014, <https://mwsmovement.com/2012/08/15/southeast-asian-americans-organizing-against-the-marriage-amendment/>.

through action, that which deconstructs ideological abstractionism.⁴⁰⁴ Actively partaking in the deconstruction of same-sex marriage, stripping it of its whiteness, demands that a certain power relation emerge. This powerful statement from MWSM does not rest in state-centered conventions, but queer Hmong American and racial-justice oriented praxis.

“Hmong culture” is this ideological abstractionism that is put into action, opened up for reinterpretation and rearticulation in the political campaign to defeat the ballot initiative Amendment 1. We are observers to a queer Hmong American political moment where cultural formations of marriage, gender, sexuality, and liberation are multiply spreading outwards towards more heterogeneous formulations. This heterogeneity in “culture” is not an abstraction that binds and represses queer political identities, sexualities, movements, and subjects. Rather, it disrupts state operations of marriage that propagate neoliberal understandings of freedom and liberation, while concomitantly derailing the stasis of culture and tradition that presupposes racial and ethnic minority politics in the U.S. My contention here is also to further fortify the argument that dealings of same-sex marriage are disidentificatory practices, of speech and mobility of ideas and bodies, that situate queer Hmong American political practice within intersectional, intergenerational, and intercultural arrangements of liberation.

There is a saying that Hmong Americans cannot include same-sex marriage into its traditional marriage and wedding systems. The highly gendered aspects of traditional marriage—who will pay the dowry (usually groom’s family pays to bride’s family)? Where will the wedding take place (usually at bride’s house), who will accompany the bride throughout the wedding as the *niam txais ntsuab* (usually the groom’s sister) who

⁴⁰⁴ Foucault, *The History of Sexuality*, 92-94.

will negotiate the terms of ensuring the marriage is successful (usually both parties), what will we call the families (i.e. the groom's mother is the niam pog, while the bride's mother is the niam tais)? These gendered belongings have material consequences that Hmong Americans may be apprehensive to address. Since Hmong American traditional marriages do not fit within neoliberal individualism which structures Western marriages, complications may arise as to what roles the extended families will play with marriages between a same-sex couple. However, legal liberalism has ordered the privatization of marriage and family to where an assumption about marriage is available universally to anyone who wishes to receive these privatized benefits. It is incommensurate to base these forms of conjugality with one another in the question of freedom. Rather, they both suppose and uphold a form of heteronormativity that is insufficient in addressing liberation for Hmong Americans.

We cannot do away with "culture" as we see within the mainstream movement to legalize same-sex marriage. MWSM's efforts are to reject whiteness and white privileged notions of marriage in pursuing a more flexible and vernacular form of Hmong American queerness. That may also prove useful for Hmong American traditional heterosexual marriages as well as attempts to create a form of Hmong American traditional queer marriage. However, I would argue that this formulation of a "Hmong American queer marriage" is in no way "traditional" because it would involve the creation and infusing of vernacular elements of Hmong American traditional marriage practices with second-generation forms of thought. Since neither law or "culture" can fully account for the potential to provide an agenda of full agency and free love for its participants within marriage, a queer Hmong American framework would certainly have to be about

engaging with these certain forms but not fully being included in such. Thinking about race and sexuality in more intersectional terms can illuminate how same-sex marriage is not the end of the struggle for Hmong American and queer Hmong American self-determination and liberation, but the beginning.

Phong legally married his wife after Minnesota legalized same-sex marriage in 2013. After all these years of his wife's clan leaders concurrently contingently supporting and denouncing their union, they were wed in a legal wedding. "Fast forward to once the marriage amendment passed.we planned this mixture between a white wedding and a Hmong wedding. So we dressed up, we asked our family to dress up. My wife got a white dress, we found a pastor, a Hmong pastor. And then she wed us. And I asked her not to make any Christian, we're not Christians, so I asked her to keep all that out."⁴⁰⁵ Phong and his wife also planned a reception after the wedding ceremony where a large feast took place. There, Phong's family took note of all the gifts that were given to them by family members. His wife received a golden necklace and \$1000.00 from her own father, and Phong and his dad were able to provide a \$5000.00 dowry to his wife's father, with the promise that they will arrange the funeral for the daughter upon her death, in accordance with Hmong American traditions in the transference of her spirits to Phong's household. While Phong revealed to me that the transference of the dowry to his wife's father was done "under the table," the wedding and feast was nonetheless public and well attended by family and friends, even an elderly grandfather from his wife's side. Queer Hmong American youths understand the limits of law and tradition to provide freedom and belonging within their families, clans, and nations. However, their engagements with

⁴⁰⁵ Phong, personal interview with author, December 27, 2016.

the disidentificatory processes of marriage in the post-same-sex marriage battles in Minnesota provides meaningful ways for us to understand how it is that “culture” and law are dialectical systems of belonging and un-belonging. The narratives that “Hmong culture” does not provide flexibility for queer sexuality or queer marriages, and the claim that law is the ultimate guarantor of freedom, does not adequately capture the complex processes whereby Hmong American identification practices are enacted in their everyday lives. Queer Hmong American activism, communication practices, and material realities completely surpass and undo these discourses.

Conclusion

Toward a Radical Refugee and Queer Politics in the Twenty-First Century

U.S. Speaker of the House of Representatives Paul Ryan commented in November 2015 before Trump's election that refugee migration from Syria needed a pause in "order to verify that terrorists are not trying to infiltrate the refugee population."⁴⁰⁶ That was why I was stunned and dispirited by the election of Donald Trump as the forty-fifth President during the 2016 U.S. presidential election. It was already midnight on Election Day, but I continued to switch back and forth between different channels to ensure myself that the numbers were not deceiving my eyes when it indicated that Trump was leaning towards victory over the Democratic candidate Hillary Clinton. Many of my friends also took to social media to express their shock, anger, and fear. My colleagues dedicated time and space in their classrooms to discuss what had happened. How and why did the U.S. elect a white man whose campaign espoused racist, misogynistic, ableist, and xenophobic rhetoric? Why and how did we come to normalize hatred and fear mongering? When did grabbing pussies become acceptable? At what point can we ask ourselves that stereotypes, ideologies, and narratives about black, brown, and refugee populations as rapists, terrorists, gangsters, and thugs are demeaning, violent, and unacceptable? I was not teaching in the fall of 2016, and thus, I was left all alone in my apartment to ruminate on these questions on my own the day after the election. This isolation further fueled my despair of knowing that a maneuver like the ban

⁴⁰⁶ David Herszenhorn and Michael D. Shear, "Republicans Call for Halt to Syrian Refugee Program," *New York Times*, November 17, 2015.

on refugee migration from Muslim countries was soon to follow.

Executive Order 13769, or the “Muslim ban,” came on January 27, 2017 shortly after Trump took over the Presidency. Wide-ranging in scope, the “Muslim ban” temporarily suspended refugee migration from seven predominantly Muslim countries, including Iran, Iraq, Somalia, Yemen, Libya, Sudan, and indefinitely, from Syria. The justification for this “ban” was to vet out radical Islamic terrorists who otherwise would threaten U.S. national security. Ryan and Trump are suggesting that it is easy for *anyone* to penetrate the mass of refugees because refugees are often portrayed in popular representations as faceless and coming en masse in the millions. The supposed ubiquity of the “enemy” to show up anywhere, especially among a vulnerable population like refugees, presents a threat to Americans and U.S national security altogether.

One prominent aspect of Executive Order 13769 details the exclusion of peoples from these countries who would otherwise threaten American livelihood, “The United States should not admit those who engage in acts of bigotry or hatred (including “honor” killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.”⁴⁰⁷ The explicit language around the oppression of women and presumably queer people and the rejection of American ideals is a recurring storyline used to substantiate the exclusion of undesirable migrants since at least the late nineteenth century, beginning with the Page Act of 1875. Americans are juxtaposed with non-American immigrants in that Americans value freedom and equality whereas non-American immigrants harbor cultures of oppression and discrimination. Scholars have

⁴⁰⁷ Exec. Order No. 13769, 3 C.F.R 1 (2017).

demonstrated over and over again how the supposed repression of women, sexual minorities, and dissenters in Muslim cultures, communities, and countries have lend itself to the racialization and exclusion of Muslims and Muslim Americans from a host of citizenship-making processes, including immigration. In the end, this provision of Executive Order 13769 brings us back to the conundrum of “culture” and what counts as acceptable ways of being in the U.S. in regards to race, gender, and sexuality.

Executive Order 13769 also emanated on the heels of the June 12, 2016 shooting at the Pulse nightclub in Orlando, Florida. The dual-connection of the ban on undesirable aliens whom would oppress people based on sexual orientation becomes clear in examining the Pulse nightclub shooting. Omar Mateen, a U.S. born Afghan American, was the perpetrator in this shooting that tragically took the lives of fifty mostly queer Latino/as, including his own. Mateen was immediately racialized as non-American and a “Muslim terrorist” by various media outlets. These instances of domestic terrorism by Americans are selectively skewed in order to shore up racist and xenophobic policies of exclusion that target Latin American and Muslim refugees from entering the U.S. Aqdas Aftab eloquently demonstrated the homonationalist underpinnings of Trump’s “Muslim ban” when she writes, “Since homonationalism pits the LGBTQ community against people of color and Muslims, it produces a whitewashed image of the queer community that sees queer and Muslim as mutually exclusive identities. In the homonationalist imagination, all LGBTQ people are white, cis, gay, and male. And since this privileged demographic of queer folks is the only one visible to homonationalism, racist leaders

assume they can garner the support of this population.”⁴⁰⁸ The racial politics of Muslims as terrorists who may come as a horde through refugee migration demonstrates the anti-intersectionality politics of migration and queerness that renders communities of color as racially and sexually backward peoples. The beginning of resistance to Trump’s fascists policies, as Aftab argues, lies in the recognition that marginalized peoples, including non-LGBTQ populations whose genders and sexualities have been abjected, can unite to dismantle homonationalist and white supremacist ideologies and policies.

The ultimate slogan employed by Trump during his presidential campaign was “Make America Great Again.” We now understand that making American great *again* denotes a nostalgia for the past when refugee and immigrant communities were excluded from the U.S. national body politic. The Immigration and Nationality Act of 1965 and the Refugee Act of 1980 have allowed over millions of immigrants and refugees into the U.S. This liberalization of the U.S. borders has aroused anxieties over the national identity of “American” precisely because it troubles normative understandings of race, gender, and sexuality. That is, the white, monogamous, heterosexual family unit is destabilized as the normative intimate unit. The heterogeneitization of the U.S. population meant that the shifting racial demographics threatened the U.S. national order. As for refugees, particularly those from Syria, dislocates U.S. nation-state agendas of assimilation and national security. Their bodies marked as “terrorist” then strikes back against even normalized gay and lesbian subjects who within the last three decades have been stabilized into white neoliberal hetero(homo)normativity. Enacting policies that will

⁴⁰⁸ Aqdas Aftab, “Queering Islamophobia: The Homonationalism of the Muslim Ban,” *Bitch Media*, February 6, 2017, accessed February 20, 2017, <https://www.bitchmedia.org/article/one-nation-under-hate/homonationalism-donald-trump>.

allow for a temporally regressive scheme back to the heteronormative family unit then is at the heart of Trump's rhetorics of making American great again.

As I have highlighted throughout this dissertation, the refugee label continues to haunt Hmong Americans as perpetual foreigners never fully belonging in the U.S. Hmong Americans' status as subjects harboring perverse, non-normative, and hyperheterosexual genders, sexualities, and conjugalities further exacerbate their questionable status as citizens within dominant common sense discourse. In their struggles to become "Americans," they have attempted a variety of community reform efforts in order to align with normative sexual politics of the U.S. nation-state and in order to decriminalize their culture. As lesbian and gay peoples become "normalized" within U.S. neoliberal politics and capitalistic ventures vis-à-vis the legalization of same-sex marriage and the corporatization of Pride festivals, the question remains how queers of color fit within dominant narratives of queer politics. Furthermore, what do the struggles of refugees tell us about the struggles for a more radical queer politics in the twenty-first century? More concretely, to what ends can Hmong American sexual and refugee migration politics transport us towards a more decolonial and liberatory vision of racial, gender, and sexual politics?

Toward a Radical Sexual Imagination?

I have consistently been unsatisfied with the uncritical renunciation of multiple non-monogamous conjugalities and social relations permeating U.S. gender and sexual discourses. Articulating a decolonial, feminist, and queer politics needs to begin at the point of colonial violence and refugee migration which has produced a hyperheterosexual

discourse of Hmong American gender and sexuality. Juana María Rodríguez, following the likes of Darieck Scott and Julia Kristeva, repositions racial shame at the center of a politics of erotic pleasure. She articulates how abjected subjects (racialized and feminine, women) are subsumed into shame through their very pleasures. This subjugation through shame forecloses the range of desires that subjects harbor in exerting their senses of sexual liberation. Through an examination of shame, Rodríguez hopes to “register the possibility of recovering pleasure in the shame of abjection, a sexual pleasure that engages the sexual submission demanded of racialized subjects.”⁴⁰⁹ Hyperheterosexuality as a shaming discourse has been enacted to discipline Hmong Americans into more respectable and normative social formations that further render invisible queer identities and sexualities. The shame emerges at the conjuncture of legal regulation that dictates which subjects are “old enough” to marry, have access to erotic knowledge, or harbor sexual desires. Moreover, shame transpires in desires that extend beyond heterosexual monogamy. This overt exclusion of queer identities and sexualities only exacerbates shame as queer subjects come into consciousness about their non-heterosexual desires.

In my conversations with queer Hmong American youth, I sought to understand how they position their queerness within a politics of non-monogamy. I asked them, “What are your opinions on polygamy?” Of course, my claim here is not to craft out a universal relation of queerness and non-monogamy, but to peruse how a queer sociality can emerge within the fissures and spaces of possibility in relation to non-normative desires and social belonging. It is no surprise that many queer Hmong American youth I talked with in my interviews and in informal spaces have strong affinities towards

⁴⁰⁹ Juana María Rodríguez, *Sexual Futures, Queer Gestures, and Other Latina Longings* (New York: New York University Press, 2014), 140.

monogamous conjugalities and same-sex marriage. Additionally, there are those who disavow polygamy as a social relation, with many citing their own upbringing within polygynous households as evidencing the violences of polygyny. This is perhaps evident in Khoua's experience when he stated, "Because my mom is a child of niam yau [a second wife]. And so that's just very strong in me. I disapprove of it. There's no reason for you to need a second spouse to have more kids you can't take care of if you can't take care of your own batch of kids. But I'm very liberal, so I'm like, if it's a same-sex marriage, compared to polygamy, I choose same-sex marriage all day, I would not even hesitate. Like polygamy for me, I don't want to say no to a lot of things, but polygamy is one of my no's. That's something that I will not condone or approve of."⁴¹⁰ In Keng's view, polygamy constitutes "cheating." He states, "I don't like, if I were to get married, I don't want to marry another person, like another, I'm heterosexual, but I wouldn't marry another woman if I marry my girlfriend now. Because I don't like, I just don't like the thought of unfaithfulness or cheating."⁴¹¹

Activists trying to bring about change in decriminalizing multiplex relationships and marriages often rely on same-sex marriage as its antecedent. This focus, according to legal scholar Adrienne Davis, produces a red herring because polygamy does not consider the genders of its actors, but rather, its multiple partners. Furthermore, according to legal scholar Jaime M. Gher, those who charge against polygamy situate their critiques in the egalitarianism of same-sex marriage.⁴¹² However, a new set of regulatory structures will then be established in order to control plural marriages if they were to be legalized.

⁴¹⁰ Khoua, personal interview with author, January 5, 2017.

⁴¹¹ Keng, personal interview with author, December 30, 2016.

⁴¹² Jaime M. Gher, "Polygamy and Same-Sex Marriage – Allies of Adversaries Within the Same-Sex Marriage Movement," *William and Mary Journal of Women and Law* 14, no. 3 (2008), 559-603.

Davis argues that using protocols from commercial sex laws to regulate plural marriages may serve well in decriminalizing it while promoting the social goals that we wish for: ethical and egalitarian.⁴¹³ I wonder what Khoua and Keng will think if they consider these alternative visions, not just of de facto plural social relations, but also legal ones. In the end, while same-sex marriage can engender greater egalitarianism in the deconstruction of heterosexual relationships as the most favorable ones, it is worth ruminating on the principles that non-monogamous relationships can bring to bear in moving us toward a radical politics of intimacy.

There continues to be standard narratives of non-monogamous and non-normative conjugalities that are reproduced within Hmong American social discourse. Polygyny as a strictly (hyper)heterosexual formation has come to stand in for the least favorable of social relations even for queer Hmong American youth. Dislodging the orthodoxies of non-monogamous conjugalities does not mean to completely do away with these social and intimate relations. Because “culture” is not unchanging, the ways that people relate to the supposed “cultural” elements of non-monogamous conjugalities then is also not stagnant. There has been no sustained elaboration on what an ethical or queer polygamous/non-monogamous culture looks like within Hmong American communities. Instead, “Hmong culture” has stood in for all hyperheterosexual social ailments as it concerns Hmong American women and queer youth. As Candace Jenkins articulates, a movement towards making intimacy a “safe” sphere is undoubtedly a gesture towards making it monogamously heterosexual.⁴¹⁴ Thus, countering the accusations of gender,

⁴¹³ Adrienne Davis, “Regulating Polygamy: Intimacy, Default Rules, and Bargaining for Equality,” *Columbia Law Review* 110, no. 8 (2010), 1955-2046.

⁴¹⁴ Jenkins, *Private Lives, Proper Relations*, 187-189.

sexual, and familial pathology within Hmong American communities relies on a sanitized version of what Hmong American kinship and family formations should look like.

However, as I want to suggest, Hmong Americans living as refugees (but also racialized citizens) in the U.S. have the power to unsettle dominant ideologies of white supremacist normativity that now is (re)ignited/intensified in the Trump presidency.

Refugee policies, but also asylum and immigration policies and politics exacerbate the heteronormativity of the state and family units. Queer of color scholars working at the intersection of migration studies and queer studies have explicated this dual process. For example, Chandan Reddy again reads asylum laws as protecting queer immigrants from the persecution of their cultures and native homelands. “Family reunification” policies allow immigrants, and queer immigrants, to enter into the U.S. economy, yet subtend their entrance into labor with heterosexual and heteronormative formations of the family unit. This twofold procedure situates the economic and social well-being of the immigrant as the responsibility of the heterosexual family unit while simultaneously demanding the immigrants’ labor in service of the U.S. state.⁴¹⁵

Expanding administration in the selective processes of refugee, asylum, and immigration applicants in the twenty-first century and certainly within the context of the legalization of same-sex marriage in the U.S. means immigrant communities and communities of color are subjected to more heteronormative family regulations.

In an extended conversation with Pao, I actually asked him what his thoughts are on both so-called “underage marriages” and polygamy. Pao’s thoughts on “underage marriages” are complex, and he stated a host of reasons why such marriages are

⁴¹⁵ Chandan Reddy, “Asian Diasporas, Neoliberalism, and Family: Reviewing the Case for Homosexual Asylum in the Context of Family Rights,” *Social Text* 23, no. 3-4 (2005), 101-119.

exploitative and unethical, but most importantly, whether consent has been given in regards to sex or marriage. However, he continues to explain the murkier elements of “underage marriages” that lies at its contestation:

But I think in the area of where it will be much cloudier, is again, in the situation, where tus poj niam ntawd, tus txiv neej ntawd, nws tiav hluas nkauj hluas nraug [the woman, the man, have they become adults], you know. There’s no real way to measure how old they are. And they have feelings towards another person, and that person has feelings towards them. And both feelings are mutual and consensual, then I think that’s fine, even if it was deemed as an underage marriage, or underage relationship or whatever it’s called. It really just depends on the context, and the culture, and where those individuals are in. This just needs to be taken on a case-by-case scenario. There is no answer overall to define whether it’s okay or not, you know.⁴¹⁶

I find interest in Pao’s hesitation in prescribing a universal typology of what constitutes an “underage marriage.” Furthermore, he is concerned with the protocols of regulating children’s sexuality and desires, something that echoes Rodríguez’s concerns over the stigma and shame that comes with transgressing the legal boundaries of sexuality. Law’s prohibition in the name of childhood purity and innocence is simultaneously a means of controlling the very boundaries of childhood and adulthood. For Rodríguez, watching pornography at a very young age was a positive thing, and a means for her to later theorize pleasure in the context of abjected racialized heterosexuality.⁴¹⁷ Pao’s caution in examining “underage marriages” as a case-by-case scenario gestures towards a more nuanced, vernacular, and careful analysis of exploitation and pleasure as neither static or universal.

We transitioned to polygamy. Pao begins by renouncing the misogynistic and exploitative elements that now is common sense in both dominant and Hmong American social discourse, “We see a scenario where the husband has five wives, and he’s reckless

⁴¹⁶ Pao, personal interview with author, January 10, 2017.

⁴¹⁷ Rodríguez, 147.

with that. And he does reckless things right? And that's misogynist right? Because of the way he treats women, the values of how he treats his children, females bodies and whatsoever right? And I think that's fucked up, that's a polygamous relationship that's fucked up."⁴¹⁸ This is the common sense version of polygamy that is condoned within "Hmong culture." Alternative understandings of social phenomenon are lost when common sense narratives stand in as a universal truths. Instead, Pao is adamant on a politics of non-monogamy, "If I was ever to be in a committed relationship with someone, if I were to ever get married to them, they would have to be okay with having it be an open marriage [...] where we both can openly expressively have sex with people outside our relationship, and be okay with that. And [...] those people, that we're in relationships with, if they decide to pursue something in the long term with us, be open to my partner having another partner, or me having another partner, or us having a third partner. I mean, that's the ultimate goal for me."⁴¹⁹

Pao continues to lament the social attitudes that prevent his liberation of desires. That is, the almost universal condemnation of non-monogamous conjugalities does not provide for alternative desires and imaginations outside this orthodoxy. He states, "But nyob tiam no ces, yeej nrhiav tsis tau ib tug zoo li ntawd os [this lifetime, I will never find someone like that] [...] I feel like that's where the slut-shaming comes in, that's where the HIV stigma comes in. It's where the true bottoming stuff comes in. You get what I mean. It's these different values that are not heteronormative, that all of these things come attached to it. And I feel like it's so hard for people to break away form

⁴¹⁸ Pao, personal interview with author, January 10, 2017.

⁴¹⁹ Ibid.

stereotypes because the consequences that comes attached with it are so strong.”⁴²⁰ It is the prevailing social discourse around sex-negativity that thwarts queerer imaginings of social relations that now are under constant scrutiny from state and non-state entities alike. The strictness of monogamy is violent because it even has disciplined minoritarian subjects to succumb to its normalizing powers in the name of belonging.

My conversation with Mai Tooj presents a host of experimentations with conjugality and queerness. I asked her how can we become more critical of polygamy concomitantly with crafting a vision for queerness to flourish within our times. This is precisely because of my interest in queer Hmong American youth critical imaginations to craft ways of being that are simultaneously queer and non-normative. Mai Tooj ushers in her imaginative thoughts to relay anecdotal stories she has heard “back then” when Hmong women were able to experiment with ways that allow queer relationships to proliferate within Hmong communities in Laos:

So in a sense where you cannot come out or you’ll die, that is the reality, so then most of them, they just hide their whole lives, and get into a heterosexual relationship. Unless the couple, they practice polygamy, hais tias, cia koj yuav ib tug niam yau, kuj yeej nyiam poj niam thiab [let’s say, let you marry a second wife because I like women too]. I think this was the solution way back then, at least for Hmong queer women. They might like women, so they’re okay with their husbands getting another wife. They actually agree to niam yau [second wife] too. So they can have a relationship with the niam yau [second wife], and they have to teamwork to raise their families together. That could be the solution back then that nobody ever talked about it. You need to find someone who has actually agreed to that. That they did that. If it was me, I would do that.

Queer Hmong women “back then” may have crafted strategies together in order to marry a man with whom they would become the first and second wives. However, their ploy is only a tactic that can bring the women together into a household. The women’s “teamwork” in raising their families together signifies a feminist model of childrearing

⁴²⁰ Pao, personal interview with author.

and economic stability where women are not demonized for entering polygamous marriages. Instead, the act of collaboration in domestic work signifies a conviviality, to use Jasbir Puar and Mario Obando's scholarship, in imagining and recreating one's position in the world in relation to others.⁴²¹ Mai Tooj's suspicion that this could be the "solution back then" reveals the critical imaginations employed by queer Hmong in Southeast Asia to utilize polygamy as a means to achieve queer liberation.

While all of the reflections of queer Hmong American youth thus far have been ruminations, they nonetheless offer critical imaginations about how queerness can disrupt the normative business of everyday life. Critical imaginations are unquestionably necessary in these violent times as we face normalizing powers from every aspect of public policy and social attitudes. Imagination, as Gloria Anzaldúa argues, is not just a way to bring new consciousness, but new ways of being itself. Anzaldúa has always "preferred the world of imagination over the death of sleep."⁴²² Art, dreams, and writing all can be used to turn critical imaginations into reality shifts. As queer Hmong American youth play with queerness both in their lives and critical imaginations, they offer us ways to see how normalizing powers is not entirely all encompassing.

⁴²¹ Puar takes conviviality as the ways in which race, gender, and sexuality are read as events rather than identities or attributes of a subject, see Jasbir K. Puar, "Prognosis Time: Towards a Geopolitics of Affect, Debility and Capacity," *Women & Performance: A Journal of Feminist Theory*, 19, no. 2 (2009), 166-168. Obando reads the Mexican migrant Valentín in the film *Instructions Not Included* as he enacts care for others, including his daughter Maggie, despite the perpetual demonization of him by his U.S. citizen, white ex-wife Julie, now married to a woman, as an unfit Mexican father. See Mario A. Obando Jr., "Queerness as Conviviality: Race, Sexuality, and Risk in *Instructions Not Included*," *Cinephile* 10, no. 2 (2014), 27-31.

⁴²² Anzaldúa, 87.

Conclusion

Throughout this dissertation, I have detailed the ways that Hmong Americans have been racialized in accordance to their practices of gender and sexuality. What I have called hyperheterosexuality is precisely this problem of Hmong American social belonging in the U.S. Hyperheterosexuality includes the ways “Hmong culture” has been represented that condones gender and sexual exploitation and non-normative conjugal formations. Most importantly, I am concerned with the aspect of hyperheterosexuality that purports hyperhomophobia and the invisibility of queerness within Hmong America. This dissertation has labored to demonstrate how Hmong Americans have existed within the social imaginations of larger institutions, as well as Hmong Americans’ attempts to rectify discourses of hyperheterosexuality in ways that are liberating and decolonial.

Queer Hmong American youth lived realities, ways of knowing, and critical imaginations reveal that while hyperheterosexuality has rendered them invisible within Hmong American communities, they nonetheless have not fully accepted the modernizing conditions that come with being queer in the contemporary U.S. What queer refugeeism means in this moment then is to draw from the strengths and potentialities of the refugee category to queer social belonging in the U.S. That is, refugees have historically existed within liminal spaces that trouble nation-state versions of freedom. The ongoing violence that refugees are currently facing coupled with the liberation of lesbian and gay subjects means that the category of “queer” must now turn towards displaced subjects in order to envision new modes of resisting state, neoliberal, and capitalist ways of belonging. Hmong Americans, and queer Hmong American youths in particular, have revealed how engagements with race, gender, and sexuality in refugee,

immigrant, and communities of color are crucial to projects of liberation. It is this contention with the juxtaposition of queerness with racialized refugees and immigrants at our critical juncture that demands queerer modes of analyzing belonging and liberation for all peoples.

Archival Collections Visited

Hmong Resource Center Library and Hmong Cultural Center
Immigration History Research Center Archives
John-Nickolaus Tretter Collection in Lesbian, Gay, Bisexual, and Transgender Studies
Minnesota Historical Society, Gale Family Library
Legislative Reference Library—Minnesota Legislature
Saint Paul Public Library Archives
Hmong Archives

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